

THE
DOCTRINE
OF THE
Church of England;

Concerning the Jurisdiction of the

CLERGY
OF THE
LAY-POWER.

To those Rights of theirs which are
purely Spiritual, Reconciled with our Oath
of Supremacy.

AND THE

Lay-Ordinations

OF THE

Popish Bishops in the beginning of the Reformation.

By the Author of *The Principles of the Christian Religion*.

LONDON, Printed, MDCXCVII.

§ XVII. King Henry the VIII. hath by consent to be allowed to
on Age of Precedence. R. XXXV

1990

THE DOCTRINE OF THE Church of England.

Concerning the *Independency* of the Clergy on the *Lay-Power*, as to those *Rights* of theirs which are purely *Spiritual*, reconciled with our *Oath* of *Supremacy*, and the *Lay-Deprivation* of the *Papish-Bishops* in the beginning of the *Reformation*.

§1. **S**INCE the publishing of the former Discourse, I have been warned of one Erratum, to wit, the Doctrine delivered in it concerning the *Independency* of Church-Power on the State, very necessary to be removed, in order to the preparing our late Brethren for an impartial consideration of what we have to say in our Defence. That is, that as our *Catholick* Bishops set up in opposition to other Protestant Bishops deposed by an incompetent Authority, is new, so our Principles, on which our *Plan*, in reference to the Schism, is grounded, are

The *Independency* of Bishops on the State, pretended to be contrary to the *Oath* of *Supremacy*.

who shared with themselves, a more than ordinary share in the
 Doctrine of the Faith and moral dogmas of the Christian Church
 as it had been handed down to the Doctrine of our late common
 Father, the Church of England; and with regard to their
 ecclesiastical jurisdiction, which is derived no higher than the beginning
 of our Reformation from Popery. It is therefore pretended,
 that our Doctrine respecting the independence of the
 Bishop and the Lay-people is inconsistent with the Supreme
 jurisdiction of some Princes and Princes, as well as their adherents,
 that it is therefore inconsistent not only with all that is
 said by which the Supremacy is being asserted, but also
 with all that is said by which the Church is being asserted to be
 independent of all secular Power. It is therefore pretended, that the
 Doctrine of the Church of England is inconsistent with the Article
 and the Declaration of Queen Elizabeth's supremacy in an Act of
 Parliament in our Reign, for an Authenticated Interpretation
 of the Supremacy; and the Doctrine of the Homilies
 and the several Injunctions of the Ecclesiasticks, for ex-
 plaining and recommending the said Doctrine to the
 Bishop and Clergy of their Dioceses, particularly with the
 recommendation which is made to all those who deny the
 Supremacy to any of the several Princes wherein it was allowed
 to the few Princes or Christian Princes; and with all those
 several Ordinances, for maintaining it, which have been taken
 for the security of the Church; but the Ecclesiasticks
 say, that many of these Ordinances have been admitted to our Nation
 through the Ecclesiastical Government. Not now to de-
 pend solely on the interpretation of the officers of our
 said Church. We say, it is without question, that the
 Power of depriving Bishops, was even from the beginning of
 the Reformation, once allowed to the Secular Magistrates
 by the Prince of this Supremacy; as often as there has been
 occasion for it. The first practice of it was used by King
 Henry the VIII. to Cardinal a Lay-man. To his Com-
 munion, Archbishop him in person at the highest Eccle-
 siastical, and in his own person, as a deprivation. And in
 the same Reign Bishops were required to take out Patents
 from

From



from the King, for even the Spirituals of their Office, their Power of conferring Orders, which virtually included all the Rights conveyable by Orders so conferred, the Right of Preaching the Word, and of Administering the Sacraments. These if they were given by the Lay Power must, by necessary consequence, be deprivable by it also. But they are sensible how little reason there is for making the Reign of that imperious and assuming Prince a Reign of Precedents, in arguing that what was actually done then, must therefore be presumed to have been well done, and therefore fit to be done again. If this were allowed, they know very well, that no Right whatsoever, even for securing the Peoples Liberties (which they pretend most zeal for, who have least for those of the Clergy) can be made so sacred as to restrain the Conscience of him who has, by any means, got the possession of an over-ruling force. For he who made no Conscience of invading the Rights of those very Persons, by whose intervention all other Rights were made Sacred, (even those of Magna Charta, and the Coronation Oaths themselves not excepted) could much less be terrified from invading those Rights which could pretend to no other Sacredness than what had been derived from the intervention of those same Holy Persons, whose own Rights had been violated by him.

§ II. THIS consideration therefore obliges our Late Brethren to insist on the Precedents, rather of King Edward the VI. and Queen Elizabeth's Reign, which they think not so easily avoidable by us. Here they tell us, that all the Deprivations of the Popish Bishops were by no other than the Secular Arm. They tell us withall, that the way of deprivation by Synods of Ecclesiastical Persons was, in their Case, perfectly impracticable. No Acts could have been reputed Synodical, but what had been carried by a majority of them, who had been allowed votes in Synods, who were only Ecclesiasticks. But by this method of proceeding it was impossible that the Popish Bishops could have been deprived at all, because themselves made a majority of the Episcopal

And contrary to the Principles on which the Popish Bishops were deprived, and our present Succession depends.

Colledge. Here therefore they think, that we are not at liberty to question, at least, the validity of what was done in this affair. They think, we cannot do it with any consistency with the Principles on which we insist in our Plea against the present Schismatics. They think, we cannot do it without subverting the Rights of those same Fathers, for whose Rights we are our selves so eagerly concern'd. For if those un-synodical deprivations of the Popish Bishops then were null and invalid, the Popish Bishops were still the true Bishops of their respective Dioceses, to whom all the Offices of the Subjects of those Dioceses were still in Conscience due. And that on the same Principles on which we pretend our deprived Fathers to be still, in Conscience, the Bishops of those Dioceses, of which they are said to be deprived, and that they have still a Title to the Episcopal Dues of the same Dioceses from those who were Subjects to them before the deprivation, on account of the invalidity of their deprivation, as not being Synodical. This being so, they think it will follow further, that the first Protestant Bishops must, by our Principles, have been Schismatics, as having been ordained into full Sees; that they must therefore not have been second Bishops, but none at all, according to our Reasoning on St. Cyprian's principles. And this Nullity in the Original, they conceive sufficient to affect the whole Succession derived from that Original. Thus, they think, we cannot maintain any Right in our present Fathers, if vacancies made by Lay Deprivations be not allowed sufficient to legitimate their Titles who are possessed of those Sees, which are vacated by no other Power than what is Laical. This, I take to be the utmost of what they have to say upon this Argument.

The Authority of the Primitive Catholick Church is greater than that of any modern particular one.

§ III. I should most heartily congratulate the zeal of these Objectors for our Church, were it really such as it is pretended to be. But I can by no means commend any zeal for any particular modern Church whatsoever, in opposition to the Catholick Church of the first and purest Ages.

We

We cannot take it for a Reformation that differs from that Church which ought to be the Standard of Reformation to all later degenerate Ages, at least in things so essential to the subsistence and perpetuity of the Church; as these are which concern the Independence of the Sacred, or the Civil, Authority. Nor is it for the honour of our dear Mother to own her deviation, in things of so great importance, from the Primitive Rule; much less to pretend her precedent for over-ruling an Authority so much greater than hers, so much nearer the Originals, so much more Universal, so much less capable of corruption, or of agreement in any point that had been really a corruption. It is impossible that ever the present Breaches of the Church can be reconciled, if no particular Churches must ever allow themselves the liberty of varying from what has actually been received by them, since the Ages of divisions, the very reception thereof having proved the cause of those divisions. If therefore our modern Churches will ever expect to be again united, it must be by acknowledgment of errors in particular Churches, at least in such things as have made the differences, and which (whilst they are believed) must make them irreconcilable. Such things could never proceed from Christ, who designing his whole Church for one Body and one Communion, could never teach Doctrines inconsistent with such Unity, and destructive of Communion. And why should a Church, such as ours is, which acknowledges her self fallible, be too pertinacious in not acknowledging mistakes in her self, when the differences, even between Churches, which cannot all pretend to be in the Right whilst they differ, and differ so greatly from each other, are a manifest demonstration of errors in Authorities, as great as her own? Nor can any such acknowledgments of actual errors be prejudicial to Authority, where the decisions of the Authority are to be over-ruled not by private Judgments, but by a greater Authority. And if any Authority be admitted as competent for arbitrating the present differences of Communion between

our modern Churches, I know none that can so fairly pretend to it, as that of the Primitive Catholick Church. Besides the other advantages she had for knowing the Primitive Doctrines above any modern ones whatsoever, she has withal these advantages for a fair decision, which recommend arbitrators. She knew none of their differences, nor dividing Opinions, and therefore cannot be suspected of partiality. And it was withal an Argument of her being constituted agreeably to the mind of her blessed Lord, that she was so perfectly one Communion as he designed her. And the acquiescence of particular Churches in her decision, is easier and less mortifying, than it would be to any other Arbitrator. To return to her, is indeed no other than to return to what themselves were formerly before their Divisions, or dividing Principles. So that indeed, for modern Churches to be determined by Antiquity, is really no other than to make themselves in their purest uncorruptest condition, Judges of their own Case, when they have not the like security against impurities and corruptions. I cannot understand therefore how, even on account of Authority, our late Brethren can excuse their pretended Zeal for even our common Mother the Church of England, when they presume to oppose her Authority to that of the Catholick Church, and of the Catholick Church in the first and purest Ages. I am sure we have been used to commend her for her deference to Antiquity, and to have the better opinion of any thing in her Constitution, as it was most agreeable to the Patern of the Primitive Catholick Church. Here by the way, I think it not amiss to take notice of a mistake common to * Dr. Hody, and the other † Answerer to the Vindication of the deprived Bishops. The rather because it is introduced by them both, with some insulting triumph. The Vindicator had charged his Adversaries with Heresie, in regard of their singular opinions on which they insisted so far as to found their Schism upon them. This they both retort upon the Vindicator himself, as grounding his Defence on opinions

* P. 14.

† Defence of
the Church of
England,
p. 20, 21, 22.

ons now singular, and different from the greatest numbers of our present Churches. I should have thought their retraction just, if the Vindicator had grounded his Defence on Opinions singular in the first Ages of Christianity. But they might both of them have observed that the Vindicator did not grant this to have been his own Case. He did pretend the Principles insisted on by himself to have been generally received, as fundamental to all the Discipline that was practised in the first and purest Ages. What was generally received then, and therefore to be presumed true because it was so, cannot change its nature by being afterwards as generally either forgotten, or deserted; in later degenerate Ages. And as the Vindicator's Cause did not, so neither did his design, nor Topick of Reasoning from the Sense of the Primitive Catholick Church, oblige him to be concluded by a generality in these later degenerate Ages. But this is again another instance of their advancing the sense of our particular modern Church, as a standard of Primitive Catholick Antiquity. But this is a deference too great, not only for our own Mother, but indeed, for any particular Church whatsoever, at such a distance from Primitive Originals.

§. IV. HERE therefore we cannot be of our Adversaries mind: But as for the Duty owing to our particular modern Church which is consistent with her Subordination, we still profess as great a Zeal for her as themselves can, and are ready to strive with them in a generous Emulation, who shall best express their affection to her, and their zeal for her preservation. Indeed our difference from them is wholly grounded on such Principles, as we should think, in all other parallel Cases, would be taken for Arguments of a greater affection. We are willing for a Vindication of her Rights, to expose our selves to all the effects of the displeasure, not only of her Adversaries, but even of her own late Children, and our own late Brethren. This is a glory wherein our present Adversaries cannot pretend to rival us. Whatever they pretend of good will to her, they

Even with regard to our particular Church, our behaviour signifies more love and concern for her, than that of our late Brethren does.

they cannot pretend to suffer any thing for her. So far they are from that, that they are not contented to be neuter, and at least to connive at their Brethren asserting their common Mothers Rights. They defend the Magistrates encroachments on their Ecclesiastical Liberties. Even the Ecclesiasticks do so, whilst the Magistrate has the disposal of the Ecclesiastical Revenues. The Doctor has indeed wisely postponed the Vindication of the Magistrates Right for doing what has been done, (though nothing short of that can satisfy the Consciences of Ecclesiastical Subjects, as to the lawfulness of acquiescence, and submission to the Invaders of those Rights which they are, by the Constitution, obliged to defend;) as unwilling to expose himself an Ecclesiastick, to the odium of betraying them. He therefore here proceeds on the Supposition, that the Rights of the Church are invaded, not only injuriously, but invalidly; and pretends to prove (after his way of proving by naked Facts) that we not only may, but must, submit to the Usurpers. Upon this he pretends what the Vindicator says for disproving the Right of the civil Magistrate for doing what has been done, to have been impertinent. To what end is all this, but that he may avoid the Odium of betraying the Rights of his own Function, and of defending laical Encroachments on them? But I cannot conceive how this will excuse him from this charge. He promises, in another Book, to defend professedly what he is yet so willing to be excused from, even the Right of the Magistrate for such Invasions. He even here makes all asserting such Rights impracticable, and unavailable for preserving them. He makes the Bishops, whose Rights are invaded, obliged in Conscience to yeild as often as they are invaded, when the substituted Successor is not a Heretick, that is, as often as there is no other question, but only that concerning Right. And what can a Plea of Right signify for preserving Right, that must never be insisted on? We know all Laws make frequent cessions of Right, at length, to extinguish the Right it self. Much more that must do so which is perpetual, as often

often as a stronger hand is pleased to invade it. Much more than which must be perpetually yielded on obligations in Conscience. And what can restrain the Usurty from invading them as often as they please, when they are told before that the Persons whose Rights they are, must not, nor ought not oppose them in it, if they will be true to Obligations of Conscience? When they are told also, that this very consideration of an irresistible force is alone sufficient to oblige them to it? Suppose notwithstanding, the Bishops not satisfied with what he says to prove their obligation to recede; yet he makes it impossible for them to assert their Rights, for he discharges the Subjects from Duty to them, whether they will or no. He pretends the irresistible force sufficient for this purpose, whether the Ecclesiastical Superiors will or no. And how then is it possible for such Ecclesiasticks to assert their own Rights, when they are oppressed by the irresistible force, and deserted by their own Subjects? He allows them indeed a liberty of remonstrating. But what can even that avail them, when they neither have power to enter their Remonstrances on any Records, or to oblige their Adversaries, upon their pleading such Records, not to suffer such violences to be Precedents for future practice?

§ V. *THUS* if our common Mothers Authority be urged by our Adversaries, as an Argument of their good will to her, I cannot see how they can, in that regard, pretend to rival us. They may indeed tell us, that our Mother has, by her own Act and Deed, in the surrender of the Clergy in King Henry the VIIIth time, divested her self of that Authority, which before that surrender, was justly her due. Whatever the belief of this would signifie to shew our good will to her; I am sure we might, by doing as the Objectors do, better signifie our good will to our selves: (if we could consistently with our Duty to her, qualify our selves for the favours of the Invaders of her Rights and Priviledges), as far as gratifying flesh and blood, can be taken for consulting our own Interests. But still, methinks, it should be a grea-

We shew our greater love to our Church, particularly, in not yielding so easily as they do, that she should lose her Rights, on any terms.

ter Argument of our good will to our common Mother, to be unwilling that she should, on any terms, be deprived of whatever was once her due. Still, it would become well-wishers to her, not to be too easie in believing such a cession of Rights, though by her self, till it were well proved, and proved still to be obliging. Still, it would become well-meaning Children to be willing to contribute, as much as lay in them, to recover such Rights; as any state of inconvenience to themselves that may be less to the Publick, than the loss of such Rights, of so great importance for the Publick Interests of Souls. And all worldly inconveniences would be reputed less by generous and affectionate Judges of the Publick Interests. Such would still be favourable Auditors, of what might be produced for discharging her from such Obligations of Conscience, which if still in force, may make it unlawful now to retrieve and challenge her lost Rights. They would be ambitious of prudent and lawful occasions of testifying their love to her, at the expence of worldly losses, when they might be once secured from any danger of sin in incurring them. I am sure it must needs argue more love and good-will to be so. Nor could they think it imprudent to retrieve publick Spiritual Rights, by losses only private and temporary. Especially where there might be the least appearance of Duty that might oblige them to it. That very Duty would over-rule loving and dutiful Children, beyond all worldly and carnal considerations to the contrary. Much more it would do so, when the Duty incumbents were pretended of so great importance as this here is by us, as that without it, we could not have a Church, or a Communion any longer, than it should please the Civil Magistrate; that without it, we could have no Principles that might cement us under a Spiritual Government in a state of Persecution, at least, that might oblige us to do so, as most certainly Christ has done. When these things were pretended, they would, at least, let us know what might satisfy them, if it could not us, how these consequences, intolerable to a true lover of the Church and Religion, might

might be avoided. And till they could do so, they could not think the considerations hitherto insisted on by them, of an irresistible force, &c. sufficient to make amends for so abominable consequences. But hitherto, they have not signified that solicitude for avoiding such consequences, which would certainly have become them as hearty lovers of Religion. Nor have they attempted any thing on their part; for a re-union with such as differ from them in things which would be as much their interest, as ours, for us all to be unanimous in, if they really took the subsistence of our Church and our Communion, for our common Interests. How then can they! Even in this regard, of their so easily yielding in matters of so intolerable consequence, pretend to rival our good will to our common Church and Communion?

§ VI. BUT we must not suffer even our good will to our Mother, to mislead us into any Acts of undutifulness to her, though it were on pretence of saving her. Uzzah laid hold on the Ark with a good design, when he thought it in danger of falling. Yet God struck him dead upon the place, for venturing on his own judgment, to shew his zeal for him beyond what was allowable to his Station. So among the Romans, Habius Rullianus with great difficulty escaped punishment for venturing, on his private Judgment, though with as probable a prospect, and as great success, as his General himself Papirius Cursor could have desired; and that for fear of the many ill consequences that might follow on it for the future, if such a Fact had been, by its impunity, recommended to posterity for a precedent. But I have already shewn that not to be our case here. We do not oppose our private Judgments to any Authority at all. But we oppose the publick Judgment of a greater, to that of a lower, Authority. Yet we have no need of insisting on that Plea at present. We can fairly reconcile our sense in this affair with the imposed Sense of our dear Mother the Church of England, even as established by Law, and with the full design of the Legislators, as far as that can be gathered from the Cases

What we do is perfectly consistent with the authorized explanation of the Supremacy vested in the King.

in prospect of which the Laws were made, and with Authentical Interpretations of the meaning of the Legislators themselves allowed by both Powers concerned in them, as well the Civil which has imposed them by Civil, as the Spiritual, which has done the same, by Spiritual, coercions. I know not what our Adversaries themselves can desire more. And I cannot but look on it as a peculiar over-ruling Providence, that this is capable of being performed in a Reformation, wherein the Ecclesiasticks have been so manifestly overborn by the Laity, and a Laity headed by a Prince so impatient of restraint, as Henry the VIII. was. Who would expect that, where the encroachers made themselves Judges, in their own Case, and the true Proprietors were forced to submissions and surrendries of their Rights; the determinations could be just and equal on both sides?

Arch-Bp. Cra-
mers Opinions in
Henry the VIII.
and Edw. the VI.
time, perfectly
destructive of all
Spiritual Auto-
rity.

§ VII. IN Henry the VIIIth time, under whom the Oath of Supremacy was first introduced, the Invasions of the Sacred Power were most manifest. Yet so that even then, they appear to have been Innovations and Invasions. But who can wonder at his success, considering the violent ways used by him? So many executed by him for refusing the Oath? The whole Body of the Clergy brought under a Premunire, (for doing no more than himself had done, in owning the Legatine Power of Cardinal Wolsey,) and fined for it, and forced to submissions very different from the sense of the majority of them? He did indeed pretend to be advised by some of the Ecclesiasticks, as appears from several of their Papers still preserved. But they were only some few selected by himself, never fairly permitted to a freedom and majority of suffrages. And when even those few had given their opinion, yet still he reserved the Judgment of their reasons to himself. And to shew how far he was from being indifferent, those of them who were most open in betraying the Rights of their own function, were accordingly advanced to the higher degrees in his favour, and were intrusted with the management of Ecclesiastical affairs. None had a greater share in
his

Ecclesiastical Counsels, than Archbishop Cranmer. Nor is there any who, upon all the Questions proposed, wherein Ecclesiastical Power was concerned, does more constantly side with the Kings imperious humour against the true Rights of his own Order. He allows the King the Rights even of preaching the Word, and administering the Sacraments, and allows neither of them to the Ecclesiasticks, any further than as they derived them from the Princes Lay Commissions. He permitted indeed their Consecrations, as he had found them, by those of their own order; but derives nothing of their Power from those Consecrations. He makes the Ceremonies of Consecration indifferent things, no way concerned in conveying the Spiritual Power. That he derives wholly from their Lay Deputation. He gives them a Power of preaching the Word and administering the Sacraments where the Lay Powers allow it, and he allows them neither where the Secular Magistrate forbids them. They must admit whom the Laws oblige them to admit, and they must not excommunicate any whom the Secular Laws take into their protection. The Magistrate, notwithstanding his being a Lay-man, may perform these offices himself, if he pleased. And the Ecclesiasticks, notwithstanding their Consecration, are not by him permitted to perform them, unless the Magistrate be pleased to give them leave. Nay so far he proceeds in his flattery of the Civil Magistrate, that he allows no more gifts of the Holy Ghost, in the laying on of the hands of the Presbytery, than in the collation of any Civil Office. Even in the Apostles themselves, he rather excuses than commends all the exercise of their Spiritual Authority, as necessitated to it by the exigency of their present Circumstances. As if any necessity could excuse Usurpation. As if any exercise of a Power not belonging to them could have been seconded by so visible manifestations of God himself, as that was which was exercised by the Apostles. Yet even their Authority he makes perfectly precarious. He owns no obligation on the Consciences of the Christians of those times to obey even the Apostles

See those Paper published by Bishop Stillingfleet *Iren. c. ult.* and by Bishop Burnet *Hist. of Reform. Part. I. Collect. n. XXI. B. 111.*

Apostles themselves, but ascribes their Obedience wholly to their good will, so as to leave it to their own liberty, whether they would be subject, or no. And why so? Only because the Apostles had no Civil Empire. This wholly resolves all obligation of Conscience into Civil Empire, and makes it impossible for the Church to subsist as a Society and a Communion without the support of the Civil Magistrate. Accordingly, that same Archbishop Cranmer took out a Patent for his Episcopal Power, preserved by Bishop Burnett, full of a Style so pernicious to Ecclesiastical Authority. He there acknowledges all sort of jurisdiction, as well Ecclesiastical as Civil, to have flowed originally from the Regal Power as from a Supream Head; and as a Fountain and Spring of all Magistracy within his own Kingdom. He says they who had exercised this Jurisdiction formerly (for which he took out this Patent) had done it only *PRECARIO*, and that they ought with grateful minds to acknowledge this favour derived from the Kings liberality and indulgence, and that accordingly they ought to yield whenever the King thought fit to require it from them. And, to shew what particulars of Ecclesiastical Power he meant, his Patent insinuates the Power of ordering Presbyters, and of Ecclesiastical coercion, meaning (no doubt) that of Excommunication. Nay further, the same Patent gives him a Power of Executing, by the Kings Authority, those very things which were known to have been committed to him by God himself in the Scriptures, *per & ultra ea que tibi ex Sacris Literis divinitus commissae esse dignoscuntur*. By which we understand that no branch of Spiritual Power whatsoever was excepted. Yet all this grant was to last no longer than the Kings pleasure. I know not what the Lay Encroachers themselves can desire more. Here is so little security for the Churches subsisting, when the Secular Laws discountenance her, as that she is not allowed the same liberty that other subjects have, of pleading the Secular Laws already made in favour

of her, but is left exposed to the Arbitrary pleasure of the Prince, which is thought hard in the Case of other Subjects. This yoke the Politicians have lately imposed on the Church of Scotland. GOD, in his good time, release her from it.

§ VIII. I have often wondered how the most learned Bishop Stillingfleet who first published the forementioned Papers, as far as they concerned Archbishop Cranmer, could think them consistent with his own Principles: They are so perfectly contradictory to his Discourse concerning the Power of Excommunication subjoyned in the Second Edition of the Irenicum, and indeed to the Doctrine of the Irenicum it self, as far as it was consistent with it self, or with any one Hypothesis. For sometimes he seems to doubt whether there can be any Power properly so called without coercion, or any coercion without external force. As if indeed the fears of the future mischieves attending exclusion from the Priviledges of Church Communion, had not been in the purest Ages of the Christian Religion, more properly coercive than the fear of any evils that were in the power of the Secular Magistrate. It is certain that good Christians then chose rather to suffer any thing the Magistrate could inflict, than Excommunication. But I more admire that such a betrayer of Ecclesiastical Rights should, by our Ecclesiastical Historian of the Reformation, be proposed as the Hero of his times, and as Exemplary to such as might, in his opinion, deserve the name of Heroes still. Yet he calls it a strange Commission in Bishop Bonner, when he took out a Commission from the King as to his Spirituals, conveyed in the same terms with that of Cranmer, in the particulars now mentioned. He grants that Bonners inducement to take out that Commission was, that it was observed, that Cranmers great interest in the King was chiefly grounded on some opinions he had of the Ecclesiastical Officers being as much subject to the King, as all other Civil Officers were. Yet Cranmer was to be excused, because that if he followed that opinion at all, it was out of Conscience.

Archbishop Cranmer's Authority in these matters not at all.

Vol. I. Book III.
p. 267.

Why

Why he should doubt, whether he was of that Opinion, I cannot guess, when himself has published whole very Papers of the Learned Bishop Scillingfleet wherein Archbishop Cranmer does so plainly own himself of that Opinion; when he has also published Cranmers own Commission to the same purpose. As little reason I can see why he should say, that Cranmer was once of that opinion as if he had afterwards retracted it. The Papers upon the Consult were written in Henry the VIIIth's time in the year 1546. And then, even by the Bishops observation, the change of this Opinion had lost his interest with the King, if his Interest had been grounded on that Opinion. But Cranmer kept to the same Opinions in the Reign of King Edward the VIth. Then it was he took out his Commission. The young King himself seems to have been of the same Opinion, in his 2d. Paper of the Bishops Collections, which I can ascribe to nothing more probably than to the Instructions of his Godfather. Nor does it appear the Archbishop changed his mind afterwards. The only thing insisted on by our Historian to prove it, is his subscribing a Book set out soon after, which teaches the contrary. But having already shewn that he still retained the same opinion in the time of Edward the VIth, his subscription cannot prove any change of his opinion; but that he complied, whatever his Opinion was, when he found his non-compliance could not hinder the contrary Opinion from being acceptable. But indeed that Book was not so clear in that point that his subscribing it would admit any change from his former Opinions. But our Historian says that when Cranmer maintained that opinion, he did it out of Conscience. Perhaps it might have been so. But I am sure it is but an ill Argument to prove it so, that his interest in the King was so visibly promoted by it. Yet if he had frequently followed Opinions contrary to worldly Interest, that I grant, might have been an Argument that though his Interest was indeed promoted by this Opinion, yet that might have been no inducement to him, why he did embrace it. But on the contrary, in the great actions of his Life, it was the serviceableness of his Opinions

to the Princes designs that principally recommended him. It was notoriously his Opinion for the divorce from Q. Katharine that first brought him into the Court, and into the Kings knowledge. Nor is it denied by our Historian that it was so. And in the Case of presuming consummation of Marriage from bedding, he gave contrary Judgments concerning the Marriage with Queen Katharine, and that with Anne of Cleve, exactly according to the Kings inclinations, and his own Interests in gratifying them. In Queen Katharine's Case, he allowed for a good presumption, but not so, in the Case of Anne of Cleve. Nay when the Protestant Reformation it self was against his Interest with the Prince then in Possession, he renounced even that, and was the only Bishop of our Church who did so. Nor did he recant that recantation, at least he gave no publick signification of his recanting it, till he was assured by Dr. Cole, in a Sermon before him at St. Maries, that even his complaisance should avail him nothing for the saving of his Life. And even in that compleater Collection published by Bishop Burnet, none of the other Bishops or Divines consulted on that occasion, is so perpetually thorough-pared for the Kings inclinations as he was. Which singularity alone, not only against the Interests, but the suffrages of his function, in favour of Encroachments, sufficiently shew how far he was from being impartial in Questions of this nature. And it is but a poor recommendation of him as a Friend of our Church, that he made a Conscience of maintaining Opinions by which she might be ruined, by which she must be ruined, and her Enemies obliged in Conscience to ruine her.

§ IX. FAR be it from me to disparage the glory of his Martyrdom. His Repentance, how late soever, will excuse the scandal of his fall. And his Martyrdom, however involuntary at first, will not lose its reward with him who mercifully considers his servants frailties, though it may justly diminish his Authority in comparison of others who were more forward, and withal more constant, in suffering for the same

(d)

Cause.

It is not for the Interest of the Church, or the Reformation, that his Authority in these things should be regarded.

Cause. But let it from me, in the least, to detract from what-
 ever was praise-worthy in him. Our Historian may freely
 commend him for his easiness to his dearest friend, and
 for his diligence in collecting, and examining the Testi-
 monies of Antiquity, upon the Points wherein he was con-
 sulted. But certainly as Historian ought to distinguish be-
 tween particular and general commendations; if he would
 intend benefit Mankind by his Histories. Just Characters
 are not to be denied those whose Examples are otherwise pro-
 posed as fit rather to be abhorred than imitated, if they have;
 at least, some few commendable qualities (among many
 other very bad ones) deserving imitation. But none are
 to be commended simply; none are to have Elogies be-
 stowed on them; none are to be represented as Heroes, as
 Patterns, and Standards of the Age they lived in, and as
 Copies for Posterity, but they whose Virtues were greater
 than their Vices, whose Virtues were singularly signal and
 remarkable in the History of their Times, and greatly con-
 tributive to the good events of it, will therefore fit to be
 imitated by generous Posterity, when the like Exigencies shall
 return, and the like Cases be again to be transacted. Par-
 ticularly, in a History of the Reformation of Religion, none
 ought to be commended but such as had a great zeal for
 Religion, and whose abilities and prudence greatly contri-
 buted to the Promotion of it. Nay even they who did indeed
 promote Religion, will not all of them deserve commenda-
 tion for it. St. Paul observed those, in his own times, who
 preached Christ out of contention, and was glad of the
 event, that Christ was preached, even in those terms, as
 being (no doubt) sensible of the good success it had. But
 he does not therefore think it becoming him to bestow Enco-
 miums on those who were indeed accessory to good events,
 but with very ill intentions. Such there were also many
 in those Reigns, under which the Reformation was transacted,
 who very much promoted the Reformation, but with no good
 designs on Religion, or Reformation. I need not instance

in the King himself who begun it. Next the King himself, none had a more active part in the Reformation than Cromwell, whom notwithstanding, the Bishop observes to have declared himself of the Roman Communion at his Execution. Thetike also was the Case of the Duke of Northumberland. He had also pretended a great zeal for the Reformation in serving up the Lady Jane Grey. Yet, at his death, he also declared that he had always been in his heart a Romanist. Had it therefore been fit to set up these Persons as Heroes and Patterns fit for imitation? Our Historian himself did not think fit to do so. Their Case was not indubitable like that of the Archbishop. Nor do I produce them as such. All I design in mentioning them, is only to show that his having actually promoted the Reformation, is not alone sufficient to make him praise-worthy for promoting it. This will therefore put us further upon examining whether the part acted by Cranmer was really contributive to a Reformation. Had Reformation been nothing else but a Negative, a removal of Papal Tyranny, that (to be sure) was sufficiently ruined by those Principles. But Reformation is a mean between Anarchy on one side, as well as Tyranny on the other; and is therefore equally ruined by either of the Extreams. For if we consider that it is the Church which was to be reformed, and that the Church is a Church, is a Society; it can be no Reformation which reduces it to either of the Extreams. But of the two, that will less deserve the name, which perfectly destroys the Government of the Church, and thereby dissolves the Society, that was the thing to be reformed. And these are the plain consequences from those Principles by which Archbishop Cranmer acted. If they freed the Church from the Tyranny then in being, they naturally introduced a Tyranny of more pernicious consequence, than that which had been ejected by them; a Tyranny of another Body, of Interests frequently inconsistent with hers: and which deprived her of all security from what further Invasions soever the Lay Magistrate should be pleased to make

Part. I. B. III.
p. 234.

Part. II. B. II.
p. 243.

upon her. Indeed they deprived her of all possible security for her very being. And though these Principles might make those who were acted by them do her kindnesses, whilst her disorders lay in excess; yet, when that Reformation which was advanced by them had reduced her to a just mediocrity, whatever should be attempted further would be Injury, not Reformation. Which ought by all means to make Prudent, and well-meaning Historians wary, (how much soever they might like the things) of recommending the Example to Posterity. To do so, is to encourage Enemies for the future, and to commend them for being so, when they shall be tempted to think themselves therein to follow the Examples of celebrated Heroes. Archbishop Cranmer particularly, could, upon neither account, deserve such Elogies. His Principles were not naturally such as were likely to benefit the Church, but to ruine her. Nor were those Principles consistent with any probability of good meaning to her, when he shewed himself so partial to the Magistrate against her, not only against the majority of his own Order, but against the Principles of his own Education, upon so very small appearances on that side, and against so great evidence to the contrary. As little reason there is for that advantageous Character our Historian gives his other Hero, the Duke of Somerset. He it was that advanced the Sacrilege of the former Reign against Monasteries, and now in the time of his own Protectorship, against the Universities themselves. Our Historian himself has published a very angry Letter of his to Bishop Ridley, for opposing his designed beginnings of it in the suppression of Clare-Hall. If it must be represented as Heroical to betray the Rights, and rob the Revenues of the Church; if it be represented so by Ecclesiastics themselves; how naturally must this tend to the encouraging the like Practices for the future? How little does this become the Office of an Ecclesiastical Historian, who ought to make the true Interests of the Church the Standard of his censures, as they are indeed in themselves the greatest that

can be, by all Rules of just Estimation? I heartily and seriously recommend these things to the second thoughts of that able Author, not only as to his Panegyricks upon the Enemies of the Church, but as to his frequent Satyrs on his own Order. His meaning in both I will not take upon me to censure. But let himself judge of the obvious tendency of them in this unhappy Irreligious Age we live in, wherein men greedily lay hold on such Authorities as his, for countenancing their wicked designs against the Church, and Religion in general. For my part, I cannot see how the Duke of Somerset could reconcile any true zeal for Religion, and the Church, with his Sacrilegious designs against that very same Church, whose Communion was owned by him.

§ X. BUT to return to Archbishop Cranmer; I know none of even our present considering Adversaries, who either proceed on these Principles as true, or who have attempted to reconcile them with the Interests of the Church, or the Reformation. Even the Historian himself censures them as singular Opinions in the Archbishop. And so they were even in the sense of the Bishops of those times, as appears from that number of them who were concerned in that Consult. Few of them were for those Opinions, so much for the Interest of the Secular Prince, and none so thoroughly as he. Nor would the Court venture to trust the tryal of these Opinions to a Synod of the Bishops. This made Bonner's Commission (who perhaps gave the first Precedent of such a Commission) have so few Followers that took out the like Commissions, even in those unhappy times. Afterwards in the latter end of the Reign of King Henry the VIII. and the beginning of King Edward the VI. some more of the Court Faction imitated him. There was one, of a Bishop of Worcester in the beginning of King Edward's time, transcribed for our Historians use, though not published by him, in the same Stile with that of the Archbishop. But this might have been a consequence of that Thought of the young King himself expressed in his second Paper, for not trusting the

His Opinions in this matter no more agreeable to the sense of our present Adversaries, than to ours.

P. I. B. III.
P. 257.

the Bishops with the entire exercise of the Ecclesiastical Power, and perhaps, of an Order of Council pursuant to it; or, at the utmost, of the Act made in the last year of King Henry the VIII. which we shall mention hereafter. But their little constancy in obliging all the Bishops to do so, is a great Presumption of the difficult reception these Sacrilegious Principles met with, even in those Ages. But whatever reception they met with then, it is very manifest that they are singular now. Our Historian himself observes that Bonner, after his taking out this Commission, might well be called one of the Kings Bishops. Utinam that he did not deserve the name of Christs. And our Adversaries, who have yet appeared against us in this Question, have generally owned even our deprived Fathers themselves as valid Bishops as ever, both as to the Episcopal Character, and as to all exercises of Spiritual Power relating to the Catholick Church, notwithstanding the pretended Depri-
vation. They only deny that they have now any Right to their particular districts and Dioceses, which being vacated by the Lay Power may therefore excuse their Successors from Intrusion and Usurpation. But the Hypothesis of Archbishop Cranmer would better have accounted for all that their Cause obliges them to defend. For if the Apostolical Predecessors could derive a Power to our Bishops undepri-
vable by the Civil Magistrate, they might consequently derive to them a Right to districts confined to the exercise of that Spiritual Power, as independent on him as the Spiritual Power is itself. And if they could, they did so; it being notorious in those Primitive Times that they had no more consent of the Civil Magistrate for the one, than for the other, and yet exercised both, and were seconded by God in their Acts of Discipline, which supposed their claim to both of them. But, by Archbishop Cranmer's Principles, the Apostles themselves could lay no claim to either of them without the consent of the Civil Magistrate, and therefore could derive no such Rights to Successors claiming from them, that

that could be undeprivable by the Civil Magistrate. Had this Doctrine been true, Bishops deprived by a lawful Magistrate, could have claim'd no longer. But even our Adversaries themselves seem sensible now, not only how contrary those Paradoxes were to the Sense of truly Catholick Antiquity, but also how little agreeable they are to the prevailing Opinion of them, who cordially espouse the Cause of Religion in general, and of the Church of England in particular, even in this present degenerate Age. This being so, our Adversaries themselves cannot be displeased at us for disowning a Supremacy asplained by, and grounded on, such Doctrines, as even themselves dare not undertake to defend.

§ XII. AND such indeed was the Supremacy as in was first introduced by King Henry the VIII. and as it was continued under King Edward the VI. Then as much was challenged as could be allowed by even those licentious Principles of Archbishop Cranmer. It mean, so much was challenged by the Kings themselves, and by the Laity who made a majority in the Legislative Power by the Constitution. So much was plainly the design of King Henry to whom Cranmer so effectually recommended himself by these Opinions, as our Historian observes. And the Sense of the Legislative Power cannot be better proved, than from the Expressions of the Laws themselves. The first Law is more modest, and though it do own the King for Head of the Body Politick, consisting of Spirituality and Temporality, yet withal it clearly distinguishes their two Jurisdictions, and does not make them interfere any further than as that perhaps might be meant by making the King the common Head of both of them. For so the words of the Act run: The body Spiritual whereof having power, when any cause of the Law Divine happened to come in question, or of Spiritual learning, that it was declared, interpreted, and shewed by that part of the said Body Politick, called the Spirituality, now usually called the English Church, which always

The Supremacy, and Title of Head, when first assumed by Henry the VIII. consistent with our Doctrine.

24 Hen. VIII. 12.

always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of it self, without the intermeddling of any exterior Person or Persons, to declare and determine all such doubts, and to administer all such Offices and Duties, as to their rooms Spiritual doth appertain, &c. And the Laws Temporal, for tryal of Property of Lands and Goods, and for the conservation of the People of this Realm in Unity and Peace, without rapin or Spoil, was, and yet is administered, adjudged and executed, by sundry Judges and Ministers of the other part of the said Body Politick, called the Temporality: And both their Authorities and Jurisdictions do conjoyn together in the due administration of Justice, the one to help the other. *Accordingly it is afterwards enacted that all Causes concerning our Dominions be finally and definitively adjudged and determined within the Kings Jurisdiction and Authority, and not elsewhere, in such Courts Spiritual and Temporal of the same, as the natures, conditions, and equalities of the Cases and matters aforesaid in contention, or hereafter happening in contention, shall require. These things plainly shew the State wherein that assuming Prince our things, when he began his Innovations, and which all ought to endeavour to restore, who desire that the antient bounds of Magna Charta should be preserved inviolable. For what security can it give us, in our present Settlements, if former violations of it in others, by not being repealed, must be allowed to pass into Precedents for new and future violences, when any are possessed of force sufficient to attempt them. But this will directly overthrow the Legality of what has been done for depriving our Holy Fathers by a Lay Authority, even supposing it Legal. It is indeed probable that when this Act was made, the King himself designed no such exercise of purely Spiritual Authority by Lay Persons. Bishop Burnet himself observes, that in Cromwell's first Commission, as no*
such

such Precedency was granted him, As was afterwards, next the Royal Family; so neither was any Authority at all granted him over the Bishops. And this Act now mentioned, shews plainly that the Case was so. All Appeals here of private Persons in Spiritual Causes, are ultimately to the Archbishops, saving the Prerogative of the Archbishop and See of Canterbury. And in Causes wherein the King should be concerned, the ultimate Appeal is to the Spiritual Prelates, and other Abbots and Priors of the upper House, assembled and convoked by the Kings Writ in the Convocation being or next ensuing, within the Province or Provinces, where the same matter of contention is, or shall be begun: Thus far therefore it is very plain that neither the Title of Head nor the Supremacy, could oblige us to own any Lay Authority whatsoever to be sufficient for a Spiritual Deprivation, even interpreted according to the Sense of the Legislators themselves. So all the Right that the King as a common Head could pretend to over the Clergy, in Causes purely Spiritual, was not a Right to give them any Power which they were not supposed to have Antecedently to any exercise of the Kings Authority over them, but a Right to oblige them to make a good Use of that Power which they had already received from God. But on this Supposition, as he can give them no new Power in these matters, so neither can he take that Power from them which he never gave them. Which will alone be sufficient to ruine the validity of Lay Deprivations.

§ XII. HOWEVER Archbishop Cranmer's Opinion being so grateful to the King and the Laity, who made the majority in the Legislative Power, did accordingly prevail. But being withal as singular among the Clergy, who were notoriously the only competent Judges of Spiritual Rights, it prevailed in such a way as one would expect an Opinion labouring under such a disadvantage of true Authority would do, that it was urged to the height when either relation of success, or an exigence of affairs, urged them to such odious

When the King gave the encroaching Commission to Cranmer, it was not yet agreeable to the true Sense of the Legislators.

extremities; otherwise the practise of it was intermitted when cooler thoughts took place, as having great presumptions against it, (that it was unwarrantable,) and those good ones even up the Opinion of the Governours themselves, who having now intirely subdued the Clergy, were no longer under any other restraint than that which was from their own Consciences. Accordingly after the surrendry of the Clergy, when now all his violences had success according to his own mind, the King gave Cromwell a more ample Commission over the Bishops themselves, and with Power of Spiritual Coercion answerable to the utmost rigor of these loose Opinions now mentioned. And he was a person every way fitted for it. As he was an intimate Friend of Archbishop Cranmer's, so he was also a favourer of that singular Opinion which was so much for the interest of his Commission. Our Historian himself takes notice of it as one of the things objected to him at his Attainder, that he had said that, it was as lawful for every Christian man to be the Minister of that Sacrament [of the Eucharist] as a Priest. This clearly shews that Opinion to have been odious, even then, in the Consciences of the Attainders themselves, and therefore that their other Acts grounded on that and such like Opinions were not bona fide, upon true conviction of Conscience. Otherwise they could not have had the confidence to charge the belief of such Opinions as a Crime on him, if they had in earnest believed them themselves. The odiousness also of such a Power as was exercised by Cromwell appeared also in this, that after him there was no Successor substituted in his place with such a Commission as his was, nor any general Vicegerent appointed for executing the Kings Supremacy in Spirituals, distinct from the Bishops and Archbishops. However whilst his Commission held, he acted to the height of what his Friend Cranmer's Opinion would warrant him. He gave out general Injunctions for all Spiritual Jurisdictions, as Bishops had done formerly for their own Dioceses. He took upon him to call Bishops to an account for their administration

in Spirituals. Our Historian himself has inserted some of his Letters to this purpose sufficiently Imperious. But however odious such general Commissions were for things beyond the Power of the Laity, yet the Lay Law-makers could not be restrained from encroachments as they thought they had occasion. But this they did by the degrees now intimated.

§ XIII. In the next year which was the XXVth of that King's Reign, there is an Appeal allowed from the Archbishops themselves to the Kings Majesty in the Kings Court of Chancery. And upon such Appeal a Commission was to be directed under the Great Seal to such Persons as should be named by the Kings Highness, his Heirs, or Successors, which Persons so empowered were thereby Authorized to give definitive Sentences, from which no further Appeal was allowed. This was the very Power which had formerly been allowed to the Pope. Accordingly it is enacted that no Archbishop nor Bishop of this Realm should intermeddle with any such Appeals, otherwise, or in any other manner, than they might have done before the making of this Act. So that as the Power of the Pope was, by the former Act, translated to the upper House of our own Convocation, in matters wherein the King himself should be concerned; so here the same Power is again translated from the Convocation to the King himself, and the Power of the Convocation is transacted by a smaller number, and those of the Kings nomination. This did put the decision of such Cases as much in the Kings Power as himself could desire, though the persons to be nominated by him had been Ecclesiasticks. Yet even that confinement is not laid upon him, that they should necessarily be so. He was therefore at perfect liberty nor to exercise any part of this Power by Lay-men, any further than as the Ecclesiasticks acting herein by his Commission, might be supposed to derive their Power from him who was himself a Lay-man. For even that was capable of a better Interpretation, that the Commission did not give them the Power by which they acted, but only Authorized them to exert the

The Appeal allowed from the Archbishops to the Kings Commissioners in Chancery, no Argument of any Spiritual Power derived from the King.

25. H. VIII. 10.

Power they had before, with impunity from the Secular Laws, and with the secular Support. This was only dare Judges, as the Prætor did to particular Causes, out of those who were by the Laws qualified and empowered to be Judges in general. Thus Constantine the Great did dare Judges to the Donatists, Melchisedes and other Galliane Bishops, who otherwise was notwithstanding very wary of encroaching on the Bishops Rights in general to judge concerning Spiritual Causes. What therefore was done hitherto, was fairly reconcilable to our Doctrine, without asserting any Right as to Spirituals derived from the King to the Bishops, which as it was given by him, might consequently be deprivable by him also. What the King himself did in giving such a Commission to Cromwell, was a Personal Act not granted him by any express Law during the time that Cromwell possessed it, and therefore cannot be any just ground for interpreting the Supremacy, and the Oath concerning it, with relation to Posterity, but must have been extinguished with his Person, though he had been more constant to it than it appears he was. Much more considering that even he himself did not think it fit to continue the Office after Cromwell. The same may also be observed concerning the Bishops, who took out Commissions for their Spiritual Episcopal Power. There being hitherto no Law obliging them to do so, must make their Acts also Personal. For this is sufficient to shew they were not obliged to it by any Sense of the Legislators, which cannot be known but by their Laws. There was not so much as Proclamation for it, that might reduce it to that Law which was made in the same Reign, for equalling the Kings Proclamations with Acts of Parliament, though that Law had continued still in force, as it is certain it has not. Less than one of these will not suffice for proving us concerned in what was then done, as an Argument of that Sense of the Legislators, which was to oblige all Posterity till the Law was repealed by the same Authority that made it.

§-XIV. THE next Act in the XXXIth year of the same

The Supremacy explained 26 H. VIII. 1. not contrary to our Doctrine in this Cause.

same King gives him as Head of the Church of England full Power and Authority from time to time to visit, repress, redress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, offences, contempts, and enormities whatsoever they be, which by any manner **Spiritual Authority or Jurisdiction** ought, or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained or amended, &c. Here are Spiritual Causes, Errors and Heresies given as Instances, wherein the King might concern himself. And Spiritual Power in all the kinds of it, is supposed in these Corrections to be performed by the King, when he is allowed to correct all sorts of abuses that might by any manner Spiritual Authority or Jurisdiction be corrected. No part of the Episcopal Power is here excepted, not even that of Excommunication. But then it is not even yet determined, whether this Spiritual Authority and Jurisdiction be supposed in them who are to be, by the King, obliged to exercise it; or whether also the Authority was to be derived from him too. If the Authority was not supposed derived from him, it will not follow that it was deprivable by him. And if it were not; then all the obligation the King could lay upon the Bishops, to do as he would have them, could not be in Conscience, but in Interest, so far only as they thought the inconveniences they might incur by his displeasure greater than those the Church might suffer by that imposition on their liberty. This therefore might be born with by the Bishops, so far as they might judge it reconcilable with the Churches interests. And that indeed no more could be intended, appears from a Paper published by Bishop Burnet from a Cottonian M.S. For there is a full acknowledgment of a distinct Authority in the Bishops, from the Potestas gladii lodged in the King. Yet it is signed by Cromwell, and that after his second, and more ample Commission; because he signs before the Archbishops. And long after this Act, between the years 1537. and 1538, as the Bishop himself conjectures

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jectures. Thus far therefore Cromwell himself was not very positive in that Opinion (no nor Cranmer who here subscribes among the rest) which makes the Spiritual Authority derived from the King. So far it was then from being the Authorized Sense of the Legislators. But I cannot, by any means, think it commendable in the Prince to impose, even so far, though the Right of external force be indeed his. Should the Church follow his example, she has as good a Right to impose on his Actions in Temporal Causes by her Spiritual Censures, as he can pretend to for his interposing in her Spiritual Affairs by his Temporal Force. For he cannot pretend to a more immediate Title from God, for his Temporal Force, than she can for her Right of inflicting Spiritual Censures. And if it should be thought reasonable for either of them to make use of that Right of coercion, which justly belongs to them both, for imposing on the other in matters not belonging to them; it would certainly be more reasonable for the Spiritual Power to impose on the Temporal in order to Spirituals, than for the Temporal Power to impose upon the Spiritual in order to Temporals. For my part, I would rather that both would keep within their own bounds, that as we must render to God the things that are Gods, so we may also render to Caesar the things that are Caesars. But whether the Laity did, in this Act, assume more than what was really their due, I am not so much concerned at present. It is sufficient that what was assumed by them was not sufficient, either directly, or by any necessary consequence, to put it in their power to deprive our Bishops of their Spiritual Authority.

§ XV. HOWEVER though hitherto they did not, yet at length our Legislators of those times did advance the Supremacy as high as Archbishop Cranmer's Principles would warrant them. But it was not before the later end of that sacrilegious Reign. In the seven and thirtieth year of it, there was a scruple started concerning the Lay Doctors of the Civil Law (by whom the Discipline of the Ecclesiastical Courts

The Supremacy
as explained in
37 H. VIII. 17.
bill to our
versaries put
pose, and the
Sente of Archbi-
shop Cranmer.

Courts was managed after the death of Cromwell) on account of their being Lay-men, whether the Spiritual Censures Issued out by such, could have any effect with regard to Conscience. This scruple being raised on that account of their being Lay-men, was conserved by the Parliament, by manifest consequence, to affect the Kings Power also for such Censures, because he also was a Lay-man. This could not have been, if they had not intended to assert such a Right in the King, though a Lay-man, even for Spiritual Censures. For had they intended no more than that the King, by his Lay Power, should only oblige Spiritual Persons to do their duty in exerting that Spiritual Power which they had received, not from him, but from God himself; in this case, the consequence objected against the Supremacy had been out of doors; and that which had signified nothing, would have needed no remedy. When therefore to prevent this consequence, they assert the Supremacy in such a Sense as may qualifie the King, though a Lay-man, to a Right to inflict such Censures; they must consequently mean it so as to assert this Right to him as a Supream Magistrate, though not invested with any Power from God distinct from that of the Sword. Accordingly they tell us, that his most royal Majesty is, and hath always justly been, **by the Word of God**, Supream Head in the Earth of the Church of England, and hath full Power and Authority to correct, punish, and repress all manner of Heresies, Errors, Vices, Sins, Abuses, Idolatries, Hypocrisies, and Superstitions, sprung and growing within the same, and to exercise all other manner of Jurisdictions, commonly called **Ecclesiastical Jurisdiction**. They tell us withal the occasion of this Objection, That, though the Decrees and Constitutions by which the exercise of Spiritual Jurisdiction had been confined to Holy Orders, had been utterly abolished by the Act of the five and twentieth year of this same Reign, yet because the contrary is not used, nor put in practise by the Archbishops, Bishops, Archdeacons, and other Ecclesiastical Persons, who have

have no manner of Jurisdiction Ecclesiastical, but by, under, and from your Royal Majesty, it addeth, or at least may give occasion to some evil disposed Persons, to think, and little to regard the Proceedings and Censures Ecclesiastical made by your Highness and your Vicegerent, Officials, Commisaries, Judges, and Visitors, being also Lay and married men, to be of little or none effect, or force, — And, Forasmuch as your Majesty is the only and undoubted Supream Head of the Church of England, and also of Ireland, to whom by Holy Scripture all Authority and Power is wholly given to hear and determine all manner Causes Ecclesiastical, and to correct all Vice and Sin whatsoever, and to all such Persons as your Majesty shall appoint thereunto : *Therefore it is enacted, that Doctors of the Civil Law though Lay and married, being put in office by any one having Authority under the King, his Heirs and Successors, may lawfully execute all manner of Jurisdiction, commonly called Ecclesiastical Jurisdiction, and all Censures and Coercions appertaining, or in any wise belonging unto the same Here the Bishops are denied to have any manner of Jurisdiction Ecclesiastical but by, under, and from the Prince. Here all Authority and Power is said to be wholly given him, to hear and determine all manner Causes Ecclesiastical. Here he is said, by the Word of God, to have full Power and Authority to exercise all manner of Jurisdictions, commonly called Ecclesiastical Jurisdiction. And all this is asserted as their Sense of the Title of Head, and of the Prerogative of Supremacy. If so, the Bishops can have no Power but what is derived from the Lay Magistrate (for all this is challenged to him as he is a Lay-man) and therefore none but what must be supposed deprivable by him. Then after their deprivation, their Character is gone, and all their Power as Bishops of the Catholick Church is gone, and all they do after the Lay Magistrate has deprived them, will be perfect Nullities, till they be again confirmed by Power derived*

rived from the Civil Magistrates. This Hypothesis supposing
 the Legality of the Civil Power, will indeed serve our Ad-
 versaries designs to the full. But it is as notoriously false, as it
 is notoriously true that there was, even in the Apostles time,
 a Discipline exercised independent on the Civil Magistrate.
 And our Adversaries dare not stand by it.

§ XVI. THIS extravagant Notion of the Supremacy
 continued through the next Reign of King Edward the VI.
 Not only as that same Act continued still unrepealed, but as
 the same Practice which supposed it, continued, and as no
 better Explication of the Supremacy was substituted in stead
 of it. Now it was, that Archbishop Cranmer took out his new
 Communion from the King for his Archbishoprick in the
 style formerly used by Bishop Bonner, perfectly adapted to his
 own singular Opinion. Now it was, that the Bishop of Wor-
 cester took out the like Communion in the very beginning of
 this Reign. Though Bishop Burnet observes that no such form
 was imposed on Bishop Ridley, nor on Bishop Thurlby, who
 were consecrated in the year 1550. In that same year it was,
 that the young King himself expresses his own Opinion in
 these words: But as for Discipline, I would wish no Au-
 thority given generally to all Bishops, but that Commis-
 sion be given to those that be of the best sort of them
 to exercise it in their Dioceses. By which we may easily
 understand that Bishop Ridley who did put out Injunctions,
 had singular favour shewn him in that he was permitted
 to do so. So that no general Inferences are to be gathered
 from his Case. Yet even he, and such as he, were to Act by
 Communion, which is perfectly consistent with the Hypothe-
 sis that was so destructive of the Churches Authority. The
 only difference between him and others was, that he was to
 hold his Authority for Life, they only during the Princes
 pleasure. But, for proving the sense of the Law-makers
 of those times, I rather chuse to insist on the expressions of
 the Laws themselves. And those are very home to this pur-
 pose. In the Statute 1 Edw. VI. c. 2. They say that all

The same No-
 tion of the Su-
 premacy contin-
 ed also under
 King Edw. the VI.

Bishop Burnet
 Vol. II. Col. B. II.
 The Kings Rem.
 Pap. 2.

Authority of Jurisdiction Spiritual and Temporal is derived and Debated from the Kings Majesty as Supreme Head of these Churches and Realms of England and Ireland. They therefore insist that all Processes Ecclesiastical should run in the King's name, only that the Tests should be in the name of the Archbishop, Bishop, or other having Ecclesiastical Jurisdiction, who hath the Commission and grant of the Authority Ecclesiastical immediately from the Kings Highness. They add withal, that the Seal of Jurisdiction was to have the Kings Arms on it, as an Acknowledgment from whom the Jurisdiction was derived. There are indeed some exceptions in that some Act wherein the Archbishop of Canterbury, and the other Bishops are allowed to use their own Seals. But considering that the reasons given for their using the King's Arms are general, such as extend to all Archbishops, and all Spiritual Jurisdictions whatsoever, those exceptions cannot argue any independence of the Spiritual Jurisdiction, even in the Cases so excepted. The Archbishop had a liberty of using his own Seal in Cases of smaller consequence, which were not likely to be exempted from the Secular Power, when the greater were not; and in Dispensations to be granted to the King himself, where though the Power had been in general originally derived from the King, yet it had not been decent in the Dispensation it self to express its being so. For that had been to the same purpose as if the King, by his own Authority, had dispensed with himself. Yet the Power might have been derived from him, as that of our ordinary Judges is, when they give Sentence against the King in favour of a Subject, by virtue of their Commission from the Crown empowering them to do so. And the Cases wherein other Bishops are there allowed to use their own Seals, are only such wherein their own inferiours are concerned, who derive their Power from them, which is very consistent with their own deriving their Power from the King. Especially when this liberty is granted them by that very Power which pretended to be the Original of all their

their Episcopal Spiritual Power. I mention not now the several Acts sufficiently frequent in this Reign, requiring Clergymen to admit to Communion, and empowering them to punish by Spiritual Censures, though these do also proceed on the same supposal (when they are not in execution of Canons made before by Ecclesiastical Authority) that even such Spiritual Authority is originally vested in the Lay Magistrate. For my design at present is not to enquire how far the Lay Power, even the Legislative Power, has encroached on the Rights of the Clergy actually; but how far they have declared their encroachments included in the Sense of the Supremacy for maintenance of which the Oath was made, and which must therefore be maintained by them, who would then take the Oath veraciously, according to the true meaning of the Legislators. But what I have insisted on from this Act, shews the Legislators sense of the Supremacy it self.

XVII. *YET* though this impious notion of the Supremacy was continued in the Reign of this excellent Prince, who did not live to that maturity of his own Judgment that might otherwise have enabled him to have seen the falshood, and ill tendency of these ill Principles, which had been instilled into him by his Godfather, who was always the most forward promoter of them; yet they were first introduced in the Savile's Reign of King Henry the VIII. And why should any Posterity have regard for such an Age as that was, which had themselves so little for all the Acts of their own Ancestors? Why should any who regard Religion, have any for them who brought in principles so destructive to all Religion, and to the very Fundamentals of the Church as it is a Society and a Communion? Atheists themselves who have no concern for the Truth of Religion, yet cannot chuse but be concerned for the security Religion gives them in their present enjoyments, by the Opinions of those who do in earnest believe it true, and for the restraints it lays on such as would molest them in their possessions of what they by Legalls intitled to, when it is otherwise in their Power forcibly to dispossess them. Thus

King Henry the VIIIth's Reign by no means to be allowed for an Age of Precedent.

wicked generation broke even this security. All that could have been done, had been done by their Ancestors for the security of Magna Charta, and the Rights of the Clergy concerned in it, as the first and sacredest part of it. It had been confirmed by solemn and frequently repeated grants of all the Parties who had a Right to confirm it. Not only so, but all the Obligations for observing it were laid on their Posterity that could possibly be laid on them by Ancestors, all the obligations they then of from Conscience and from Religion, that where no fear of Man could, there at least the fear of God might restrain them. Nothing was then thought more available for this purpose, than the imprecation of curses on those who should presume to violate it, ratified by the concurrence of those who were Authorized by God to oblige him as the Ministers of his Religion, and with the Solemnities then used to make the imprecation yet more dreadful. Is argues very little foresight, and is unworthy those excellent endowments wherewith God has blessed our Ecclesiastical Historian, when in his Apology for Sacrilege in the Conclusion of his Discourse concerning the Regalia, he would weaken the fear of these Imprecations now, on account of the superstitiousness by which they were transacted. He might easily have foreseen that by suggesting this, he did not only weaken the security of his own function (for which it would have become him to have been more concerned) but the security of the whole Nation, for which he must be concerned, whether he will or no, if he will enjoy any benefit by the grants of our common Ancestors. For we have no other security for all the Charters and Customary Immunities of this present Age, no not for the Great Charter it self, nor consequently for our Liberties and Properties, than what he is there so prodigal of, and so willing to own unobliging. Now what can we say why any who can, should not, invade the Rights already constituted, besides the Right that Ancestors had for obliging their Successors, in matters wherein themselves had once a Right by the Constitution under which they lived? I know
even

even this is questioned now by some who can find in their hearts to prostitute great parts to ill designs. Yet the Interest of Mankind in general (which is an infallible Argument of Right in Cases of this nature) requires it should be so. Otherwise, all Leagues and Covenants must expire with the Persons that made them, and every Monarchs death must dissolve the whole Body Politick, and leave Subjects in the state of Nature, and their Successors at liberty, whether they will ratifie the grants of their Ancestors. This must oblige Successors in Justice and Conscience to perform the will of the deceased, though it be in their Power to do otherwise. But what if this will not restrain them? All the remedy that has been thought of to make them observe it, has only been the fear of inflictions from the Deity, to which imprecations of their Ancestors might make them liable. And the belief of these things has obliged all civilized Mankind to own the obligation of the Laws of Nature and of Nations, and has indeed been the principal ingredient in the Belief, that has so generally prevailed in the World, that there is a God that governs the whole World, as well as his peculiar people; and that with regard to this Life, seeing the Belief of the future Rewards and Punishments, is proper to them who have received his Divine Revelations; and that therefore he will reward keeping of Faith with temporal Prosperity, and punish breaches of it with temporal Calamities. Why should they else in passing their Faith, appeal to that Universal Judge of Mankind, and imprecate on themselves curses from him; if it had not been believed on all sides, that curses so imprecated, were really to be feared from his Justice, to whom both parties had submitted the Judgment of their Cause? Why should the like Oaths be required from persons of very false and impious Religions, if it had not been believed Universally, that God was obliged to perform the imprecation made for securing Faith in this World, according to the Opinion of him that made the imprecation, how much soever he was otherwise mistaken in his Opinion concerning the true Religion?

gion? God did actually inflict the imprecations, of his own people for securing **faith** with the Gibeonites, upon their posterity, many Ages after in the time of David, though the Peace made with the Gibeonites was expressly against his own command. So he did also those between Abimeleck and the Sichemites, though made in the Temple of Baal Berith. Yet all this security was overborn by that violent Prince, and with the consent of his Parliaments. If his Reign must be allowed for a Reign of Precedents, then Magna Charta and the Coronation Oath, may again be broken by a Prince who can get Parliaments to joyn with him in breaking them, as he did. Then the Laity may be voted out of their Rights, and forced to surrender them, by the concurrence of his Clergy with him, as the Clergy were then by the concurrence of the Laity. Then any Prince who can but go far enough from the Religion of his Ancestors, shall be encouraged to overturn the whole Constitution, on pretence of the unobligingness of grants made with the solemnities of a Religion which he judges false, and which perhaps indeed may be so. But it was not only in affairs of Religion that the Prince I am speaking of, did things unfit to pass into Precedents, though done with the consent of his Parliaments. The most unjust thing remaining in our present Laws, the way of proceeding by Attainder, from which no innocence can secure a Man, was first introduced in his time. In his time, the debts of the Crown were twice discharged by Acts of Parliament without payment. In his time, his Proclamations were made equal with Acts of Parliament. In his time, his Children by both marriages, that of Queen Katherine of Spain, and that with Anne Bollen, were declared illegitimate, and that by Acts of Parliament, though by the Law of God only one could be so. In his time, the Lands of the Universties and Hospitals had been given him by the Parliament, if he had been pleased to accept of them. So very liberal these Parliaments were of what was not out of their own Purser, and so far from being a security to the subject, against his greatest exorbitances.

I would not with any of his or their personal faults, because I am unwilling to engage on so unpleasant an Argument any farther than the exigency of my Cause obliges me to do so. And that does only concern me to shew how little reverence is due to them as Legislators.

¶ XVII. BUT, God be praised, we are now concerned with a better and more tolerable Supremacy than that was. The next Protestant Princess Q. Elizabeth, was prevailed on to lay aside the Title of Supream Head, and to propose and admit of a better explication of the Supremacy itself. And that upon account of the averrchiefs of the Bishops to it, if she had not done so. So we are informed by a Letter of Dr. Sands to Dr. Parker preserved by Bishop Burnet. He also tells us the Person, who prevailed on her to do so. Mr. Lever, says he, put such a scruple into the Queen's Head, that she would not take the Title of Supream Head. The Bishops, as it is said, will not swear to it as it is, but rather lose their Livings. The occasion seems to be, that now the Succession falling to a Woman, it seemed very indecent to believe her an Original of Sacerdotal Power, who was, by her Sex, incapacitated for exercising any Sacerdotal Act; so believe that a Right of Excommunication could be derived from her, who was on the same account, unqualified to consecrate the Eucharist, and to give the Communion, though they who had the Right had given her that power; that she could be the Head of Sacerdotal Power to others, who was not capable of being a Sacerdotal Head at all. For the Apostles Reasoning holds concerning this Sacerdotal Headship, which is the principle of mystical Unity, that the Man in general is as much the Head of the Woman in general, as the Head of the Man is Christ, and the Head of Christ is God. These things, no doubt, gave the Papists a subject of tragical Declamations then, as their Books shew they did after. Nor was the scandal only given to the Papists, but to the Protestants also, who returned from their exile

Queen Elizabeth explained the Supremacy in a sense consistent with our Principles.

Bishop Burnet
p. 11. B. III.
Col. num. 2.

with

with a zeal as great for the Geneva Discipline, after the troubles at Frankford, as the others could pretend to for the Papal. And accordingly, it was a Protestant that persuaded her to lay aside the Title of Supream Head, or rather not to resume it, after it had been laid aside by her Sister. However the Supremacy it self she did resume, but with such an Explication as made it thence forward tolerable. The Supremacy it self she resumed as it had been practised formerly by her Father and her Brother, as far as by any Spiritual or Ecclesiastical Power or Authority had heretofore been, or might lawfully be exercised or used. So the words of the Act that, wherein she also revokes the Act of 37 Hen. VIII. 17. as far as it concerned the Practise of Ecclesiastical Jurisdiction by Lay Doctors of the Civil Law. She also resumed a Power of issuing out Commissions for exercising Ecclesiastical Jurisdiction, and of giving out Injunctions as formerly. Thus the Case stood in her first Parliament, which began Jan. 23. and was dissolved May 8. of the year 1559. Which things if they had held, had been little else besides the abatement of a word. But her Injunctions themselves followed that same year, after the dissolution of the Parliament, wherein she remits of the things themselves, at least wth reference to the Oath, which was first introduced in this Parliament, in the form wherein we use it now. In these Injunctions, she forbids her Subjects to give ear to those who maliciously laboured to notifie to her loving Subjects, how by words of the said Oath it may be collected, that the Kings or Queens of this Realm, Possessors of the Crown, may challenge Authority and Power of Ministry of Divine Service in the Church. She therefore tells them, that her Majesty neither doth, nor never will challenge any other Authority than under God, to have the Sovereignty and Rule over all manner of Persons born within these her Realms, Dominions and Countries, of what estate, either Ecclesiastical or Temporal, soever they be, so as no other foreign Power shall, or ought to have any superiority

Injun^{ct}. by Queen
E^liz. Edition by
Bishop Sparrow
p. 77. 78.

minority over them. She tells them therefore that, if any Person that hath conceived any other sense of the form of the said Oath shall accept the same with this interpretation, sense or meaning, her Majesty is well pleased to accept every such in that behalf, as her good and obedient subjects, and shall acquit them of all manner of penalties contained in the said Act against such as shall peremptorily or obstinately refuse to take the same Oath.

¶ XIX. HERE is a fair Legal Interpretation allowed by the Royal Authority, for whose sake the Oath was imposed, perfectly discharging us, who have been concerned in it, from the Belief of Archbishop Cranmer's Principles themselves, and therefore from meaning any such sense of it as obnoxious might have been, and indeed must, if the taking of the Oath had necessarily supposed our belief of those Principles. Here we find those Principles denied to have ever been the Sense of the Legislators, even in the time of King Henry the VIII. or King Edward the VI. The Oath in the same Injunction, calls it a sinister per-
fection, and perverts construction to think it was so. We need not now dispute how true this assertion was in the time past. It is sufficient for our purpose, that from the time of this Injunction we are not obliged to mean it so, how plainly before it was to be perceived in the Acts reviewed by her Majesty. I have already said, as sufficient to shew how unsteady the Legislators were in giving the belief of these Principles on the Oath, who took the Oath, even when the Words of the Law themselves did seem most literally and naturally to import them in the Sense of the Legislators themselves. I have already observed the Paper subscribed by Cromwell and Cranmer himself, contrary to their own Doctrine in the Height of Cromwell's Power. I have observed that Cromwell's opinion, that Lay men might consecrate the Sacrament, was so obvious, even in King Henry's Reign, that it was made an Article against him for his Abandoner. So also in the Reformatio Legum Ecclesiasticarum, where

That Explication discharges us now from any obligation to believe Archbishop Cranmer's Principles.

Refer. Leg. Ecc. &c.
Excom. c.

Cran-

Cranmer had a principal hand, drawn up in the latter end
of King Edward the Sixth, the Power of the Keys is owned
to have been given by Christ to the Church, and the
Power of Admittitng the Sacraments, and of Excommu-
nication is ascribed to the Ministers and Governors of the
Churches, and they are allowed to be the Judges who are
to be admitted to the Holy Table, and who are to be re-
jected, notwithstanding the Laws made in that same Reign,
prescribing to the Ministers what they were to do in these
very Cases, notwithstanding the words of the now mentioned
Acts, the words of that very Collection asserting expressly
that the King, within his own Dominions, has plenissimum
jurisdictionem, over the Bishops and Clergy, as well Eccle-
siastical as Civil, and that both Jurisdictions are derived
from him as from one and the same Fountain. This Re-
formation was intended to have been confirmed in Parliament
(according to so many Acts made concerning it) if the Kings
death had not prevented it. Whether these things are recon-
cilable, or not, I am not now concerned. It is very possible
that the same Legislators may own that in certain con-
sequence, which they do disown in explicit terms. And in
such a Case, the safest way for the Subject, who cannot
be obliged to Contradictions, will be rather to be concluded
by their express professions, than by their reasonings and
consequences, where they are not reconcilable. Especially
where those professions are agreeable to that Practice, which
is notoriously followed by the Legislators themselves. Al-
lowed Practice is granted by all to be sufficient to abrogate
a Law, much more, to interpret the Legislators mind in
Case of an ambiguity. Indeed it is the Conclusions and Pra-
ctise of the Legislators that is the Law. Their Reason-
ings are so, no otherwise than as they clear their Sense, when it does
not otherwise appear so clearly from their words and Practise.
And it must have been very notorious in Practice, that
men who disbelieved these opinions of Archbishop Cranmer,
were notwithstanding admitted by the Government to take
the

adversus non
irresponsibilis non
est motus non
est ot. non
adversus non
adversus non
adversus non

De offic. & Ju-
rid. om. Juris.

the Oath of Supremacy, and thereupon to enjoy all the Privileges and Immunities of Persons who had justly asserted all the ends proposed by the Government in the imposition of it, when the Queen takes in fact, for good and lawful reasons, in answer to the offering of those Principles, which are expected from such as would veraciously take the Oath, even then when the words of the Legislators seemed so plainly to suppose that the Legislators themselves did believe those Principles true. But whatever the Legislators themselves thought, it here appears very plainly that they did not oblige those who would be willing to take the Oath, to think in the particular, as they did. And if this was not enough then, when the Legislators did believe those Principles true, and the words of the Law did so plainly suppose them so to do so, and it was, even in their Practice, manifest that they did not require much more, we have reason to believe to not require now, when not only the like Liberty in Practice has continued, even to our own times, but we are withal so expressly discharged from all engagements to believe those Principles true, by that very same Authority, for whose interest the Oath was first framed and imposed, and when we have withal so Authentick an Interpretation given to it by the same Authority, of what is expected from us, so fully satisfactory to the ends of the Government, and so withal so far from saying that they seem to imply our belief of those Principles which would have made the Oath indeed intolerable, and inconsistent with that heavy real which is all one in the first place, to our Church and our Orthodox Communion.

§ XX. TWID. *Altho' the Queen may, by this, insist on as things intended to be meant by all who will take this Oath sincerely and veraciously. And whose are points making considerably for the interest and security of the Crown, and which have formerly been disputed, and are therefore worthy and fit to be the matter of such Oaths. First, that our Princes have the Sovereignty and Rule over all Persons born in their Dominions, as well Ecclesiastical as Civil. This was a*

What the Queen requires, we can sincerely undertake, and in a sense fully answering the imposition of the Legislators.

thing, disputed by Anselm and Becket, and decided against them, as well by the concurrence of their own Order of the Bench, as of the States. And it was upon of great importance in the Circumstances of King Henry the VIII. upon the first Dissent of the Reformation, to silence them of the Allegiance of that Part of their Subjects who they pleaded exemption from them, so had sworn Allegiance to the Pope, with whom these Princes were then in open Hostility. To this they were obliged not only by the general Laws of our Christian Religion, which gave them no exemption where the Laws did not suit, but by the particular Laws of our Countries, on Account of the Barons and Bishops, of which the chief of them were generally possessed. The other point was, that no other foreign Power ought to have any Superiority over the born Subjects of these Realms. This had also been a point antiently disputed in the Case of Wales, and in the Statutes of Provisions, 2 Edw. the III. and of Praemunire, 16 Rich. the II. and of very great Importance in the Disputes between our Reforming Princes and the Court of Rome. These two are all the Queen insists on, and in the asserting of both these Rights to our Princes, we do as heartily agree, as our Legislators themselves can desire we should do. And in doing so, our Advocates themselves cannot deny, but that we pursue the ends of the Legislators, in imposing this Oath, in very material purposes. For my Part, I think we serve all the necessary ends according to the Sense of the Legislators themselves. They do frequently profess a design, not of Innovating, but of asserting only Ancient and Original Rights owned by the Lays themselves before those later Disputes concerning the Supremacy. And, if they were sincere in professing so, I cannot see any reason they had to pretend more. These two Rights now mentioned, had really been antiently asserted to the Crown, on occasion of antient Disputes that had been started concerning them. But where can our Advocates pretend any older Disputes concerning the validity of Lay Deprivations, than on any occasion for antient Laws, still in force for asserting

sing them valid? Where can they find the whole Legislative
 Power united in asserting any such Right of Lay Depri-
 vations, or of the Proposition so frequent in the Laws
 of those times, that all Ecclesiastical Authority was derived
 from the King? Where could they find Commissions given
 to Laymen, such as Cromwell was by the Lay Prince and
 powering so to exercise all sorts of Spiritual Censures? There
 is so little appearance of any Ancient Dispute, or Ancient
 Laws made concerning these things, that there is no likelihood
 that they did, or could, require the belief of their opinions
 in this matter, if they only intended to revive the asserting
 of Ancient Rights. And for the opposition made then by
 the Clergy, they perfectly subdued them, and might, if
 they had pleased, have imposed these Opinions on them. They
 might, if they had thought fit, have inserted them into the
 Form of the Oath of Supremacy itself. They might
 otherwise have imposed it on all the Bishops, to have taken
 out the like Commissions as Bishop Bonner and Archbishop
 Cranmer did. And there was very little doubt of the con-
 currence of the Laity, who might then have carried it in
 Parliament, when the Authority of the Clergy was so broken
 by the Breuement and the surrendering, if there had been any
 design of attempting it. But neither of these things having
 been attempted, it seems to argue that, though they were
 willing to keep this Opinion in some reputation, for keeping
 the Clergy under those Depressions to which they had reduced
 them; yet they had not, even themselves, the confidence to
 impose the belief of it on the Clergy, nor to make it an
 part of that Supremacy, for the security of which the Oath
 was made. This reason there was for believing the Queens
 affection true, even for the time past, though what she said
 had been considered without the Authority of the Person that
 delivered it. Who can hardly suppose her to have uttered
 the words of the designs, with which they were translated in
 the days of her Father and her Brother. For it was not so
 that her comparing the Supremacy asserted by her
 self, with that which had been challenged by her Father and

Brother;

Brother, does not so much imply that her Supremacy was as bad as theirs, as that it was not worse. This later meaning was very opposite to her purpose in saying it on the Popish Bishops, who had taken it to be in Father and Brothers times, when it was worse than what was now expressed from them. But from the time she put out this Injunction, and downwards, her own Authority is sufficient to assure us, whatever it was then, that it is not required now. Especially when founded by the other Authorities which we shall produce hereafter.

The Queen's Injunction excuses us from swearing to the Supremacy over Spiritual Persons in Causes purely Spiritual.

¶ XXI. BUT it is observable by the way, that, by the Queens explication, the Supremacy over Spiritual Persons is all that is sworn to, not that which is expressly mentioned in the Oath, which is in Spiritual Causes. For the Queen professes her self satisfied, if those two things be included in the Oath, the renunciation of all foreign dependences, and her Sovereignty at home over all her Subjects, as well Spiritual as Temporal. She requires no more for discharging Persons who can go so far, from all the Penalties of the Act by which the Oath was imposed. That these two may be reconciled, it will be requisite that no more be included in the Oath than is in the Injunction, and therefore that no Spiritual Causes be meant in the Oath, but such as are absolutely necessary to be included, in order to the rendering the Supremacy over Spiritual Persons practicable. Such are all those Temporalities, which, on account of their being of their own nature Temporalities, must therefore be supposed to have been Originally the Magistrates Right, and are therefore only called Spiritual, inasmuch as they are, by the favour of the Magistrate, annexed to Spiritual Offices and Spiritual Persons. For this is a known Notion of this Word in our Laws, that all the Temporals that were annexed to Spirituals are, for that reason, called Spirituals also. So the Bishops, Lordships, their Barons, their Benefices are all called Spiritual. So the Honours and Revenues also of the inferior Clergy, and the Legal Privileges to which they are intitled

stituted by their Tenures. So the Causes also which, being originally Political, have notwithstanding been permitted to Spiritual Jurisdiction, of this sort are all Causes Matrimonial and Testamentary, which belonged to Secular Courts before the Conversion of Princes to the Christian Religion. And upon account of this name of Spiritual, which is given to things of this nature in our Laws, it is, that the same Laws refer their cognizance to Spiritual Courts and Spiritual Jurisdictions. And indeed the generality of the Causes now tried in the Spiritual Courts, were originally of this kind, of things of their own Nature Temporal, and therefore Originally of secular cognizance. Yet, when the Clergy insisted on their exemptions, and allowed no appeals from their Courts in any of the matters then permitted to their Jurisdiction, unless when themselves were pleased to deliver their Criminals over to the Secular Arm, this Practice left the Secular Prince no remedy in so many Cases Originally belonging to his own cognizance, more properly than to theirs, to whom it had been allowed by the indulgence of his well-meaning pious Predecessors. This grievance was again less tolerable to the Secular Magistrate on this account, that the very Persons of the Clergy, on account of their being taken for Spiritual in the estimation of the Law, were wholly exempted from the cognizance of the Lay Courts, even when guilty of Secular Crimes, unless the Spiritual Judges were pleased to give them up to the Secular Arm, after their having first degraded them, and thereby deprived them of their Claim to Exemption, on account of their being taken for Spiritual Persons. There was reason for these Exemptions, when they were first granted by Christian Princes, full of their new zeal for their excellent Religion upon their first embracing it. It had been practised by the Jews, and from them received by the Christians, before the Conversion of Princes, even in the times of the Apostles. Even then a Brother was not permitted to go to Law with a Brother before Infidel Judges. They could

could be no other than Secular Causes that Infidel Judges were allowed to determine. The manner used by St. Paul, who calls them heathen, implies they were lay, as also the manner of the Emperor by him ordered to be concerned about them. Even our Emperors himself, before he made it so, and to allow of it (as I think he was himself) felt very humbly observed, when he allows them, who would not stand so high as some of their own Ecclesiastical Brethren, to be accounted as Heathens and Infidels, that is, to be as freely prosecuted in Heathen Courts as Infidels might be, when Brethren of the popular People had any secular controversies with them. The reason given for this was that Infidels might not know, and take scandal at the Infirmities of those who were to be as lights, exemplary to those who were not of the same profession. And this reason held, at least in the first times of the Conversion of Princes, so our Christian Religion, as it had done before. Then also Heathens were allowed, by the Constitution, to be Judges in the Roman Courts. And it holds still in general, even since our Christian Laws have excluded any but those who, at least, profess themselves Christians, from being Judges in our secular Courts. The Clergy are still obliged to be as exemplary to our Christian Brethren of the Lay, now, as all Christians in general were then obliged to be in relation to the generality of the Gentile World. This makes it as reasonable still to conceal the infirmities of the Clergy from the Lay Judges of our Secular Courts, as it was then to conceal the Infirmities of Christians in general from the Gentile Courts. And the grants of the Emperors to this purpose, were only to authorize them to practise the same way of concealment by confining such Causes to the Audientia Episcopalis, as they had practised before by Indulgences from Princes. Nor was this liberty abused, or like to be so, whilst the Clergy had no foreign dependences, such as they were possessed of afterwards, nor only in King Henry the 1st of this time, but long before him, when these Disputes concerning Exemptions

Exemptions were first started. It was in Cases where the Scandal might be avoided by such a Judgment of Persons well-affected and concerned for their Order, not in Case of open hostility to their Prince. None such were ever protected by their Priviledge in the first Ages after the Conversion of the Empire to our Christian Religion. But when this foreign dependence had brought things to this pass, that Spiritual Judges might be justly suspected of partiality in these Causes which were not Originally of Spiritual cognizance, then it was not unreasonable, nor unkind, if Princes (in their own defence) did so far resume their antient Rights as to take better security than had been given formerly, that their favours might not be perverted against the Interests of the Lay Power by which they had been originally granted. Thus it appears had than Acts of Parliament were really true concerning all the Jurisdiction of the Spiritual Courts concerning the seculars annexed to Spirituals. And even in the Spiritual Causes, in which the Spiritual Judges had a Right Antecedently to the grants of Princes, yet the Right of punishing refractory Persons with Temporal Coercions was the Prince's, and truly derived from the grants of the Lay Magistrates. So that indeed all Parts of the Spiritual Jurisdiction had some thing of Original Secular Right, and therefore resumable by Princes, so far as they should judge it necessary for their own Preservation. And so far it was necessary to resume it, and justifiable too, as it was necessary for reducing Spiritual Persons to their Original due Subjection in Temporals, for which the Temporals annexed to Spirituals were abundantly sufficient. For this would perfectly reduce them to the same subjection under which they were, before those favours were granted by the Secular Magistrate. And more than that he cannot justly challenge as his due. These therefore are the only Spiritual Causes that can be meant in the Oath by this explication of Queen Elizabeth, and will in some sense reach all Spiritual Jurisdiction and all Spiritual Causes, as

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there was a mixture of both Powers in the Proceedings of the Spiritual Courts of those times. And this is the Explication of the word Spiritual given, as I remember, by Sir John Davyes in Lalor's Case. But this will not justify the Magistrates assuming what never belonged to him, his intermeddling with matters of Faith, and with Crimes, not barely as Crimes injurious to the State, but as Scandals to our Religion. Much less will it justify his presuming to give Commissions for inflicting Spiritual Censures. From the belief of the allowableness of these things the Queens Explication will fully discharge us. Yet without these things he can never pretend to a Power of depriving our Bishops of their Spiritual Power, nor of absolving us from our duty to them as over us in the Lord.

*This Injunction
of Queen Eliza-
beth still in force.*

§ XXII. NOR is there any reason to doubt of the sufficiency of this Explication of the Queen for satisfying our Consciences in this Age, as well as in that wherein these Injunctions were first set forth. I am very well aware of the pretences of the violent Party concerning the Canons of 1640. which yet our ablest and most impartial Lawyers think to be still in force. Indeed the whole Supremacy in Ecclesiasticals has been, by all the Acts made in favour of it, vested in the King without the least mention of the Secular States. And accordingly the Prince's Act in such affairs has been always thought sufficient for giving Authority to them without any confirmation in Parliament. And that not only for his own time, but for ever, till a Revocation of it by the same Power by which it was established. Who doubts but the XXXIX. Articles, and the Canons made in year MDCHII. are still good Ecclesiastical Law? Yet what Authority have they to make them so besides the Regal confirmation of Queen Elizabeth for the former, and of King James the I. for the later? Nor was it counted material for this purpose, whether any Parliament was sitting or not, when the Prince was pleased to ratifie such Ecclesiastical proceedings. Indeed I see no reason why it should be counted necessary that a Parliament

liament should be at the same time, when the Parliament was not necessary for their confirmation. The Act for the Kings Authority in confirming Constitutions Ecclesiastical 25 Hen. VIII. 19. requires no more confirmation than that of the King. And King James the I. grounds his confirmation of the Canons on that Act, which yet none thinks extinguished with his Person. There might have been more pretended for the necessity of a Parliament sitting at the same time with the Convocation anciently, than can be now. Then the Clergy acted Parliamentarily, and had their Members in both Houses. Yet not so, but that even then we have had several Synods distinct from the Parliament. Now the Convocation, even in Parliament time, is notwithstanding a distinct Body, and a distinct Assembly from it, since the Clergy have been excluded from the lower House, and the Bishops sit in the upper House, rather on account of their Baronies than their Spiritual Jurisdiction. And their meeting and acting wholly depends on the Pleasure of the Prince, and is not confined to Parliament times in the Act now mentioned. I see not therefore why the Injunctions may not be counted Ecclesiastical Law still, on the account of the Regal Authority by which they were set forth, and why the explication given in them of the Oath of Supremacy may not still be allowed as a good Authority. If it be requisite that the Oath have a certain Sense, the Explication of the Oath cannot be esteemed a more temporary thing than the Oath it self is. This, at least, will be reasonable, that this Sense be taken for the true Sense of the Oath till it be contradicted, and another substituted instead of it by the same Authority.

* § XXIII. AND yet though this should not hold, we have all the confirmation of this Particular of the Injunctions that we need desire. The grant of the Supremacy to the King in the Act now mentioned under Henry the VIII. was grounded on the surrendry of the Clergy, as appears from the Preamble of the Act it self. What therefore was surrendered

The Explication in the Injunctions authorized by our Church in her XXXVIIIth Article.

by the Clergy, that same was the power that by the Act was vested in the Crown. But concerning the Sense of the surrendry, none can be supposed more competent Witnesses than the Body by which the surrendry was made. Especially, when the Act by which the Oath is explained by the Clergy is, not only allowed, but Authorized, by the Regal power, to which the surrendry was made. Upon this account we we have reason to believe the Explication so given to be the sense of both parties concerned in the surrendry, and to be as well accepted by the Prince, as given by the Clergy; which should alone be sufficient to satisfy all the reasonable Scruples that can be in this matter. At least, the Judgment of our Church must needs be satisfactory, and a sufficient Authority to explain her own sense in this matter, and to shew what liberty may be allowed a Member of our Church in it, consistently with the principles of his Communion, and his pretensions of being a Member of it; and withall, how other Acts of the same Church are to be interpreted. And the sense of our Church of England both concerning the Oath, and the now-mentioned Injunction, is manifest in her xxxviith Article. So she there teaches us: Where we attribute to the Queens Majesty the chief Government (by which Titles we understand the minds of some dangerous folks to be offended) we give not to our Princes the ministring, either of Gods word, or of the Sacraments, the which thing the **Injunctions** also lately set forth by Elizabeth our Queen do most plainly testify: But that only Prerogative which we see to have been given to all Godly Princes in Holy Scriptures by God himself, that is, that they should rule all estates and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the Civil sword the stubborn and evil doers. Here we have the Explication in the Injunctions approved by our Church herself, who gives us the same sense in her own words expressly, and is fully satisfied with our believing the Prince's Right to govern both sorts of Persons. By this we may also

also know her meaning in the words immediately preceding, where she mentions all Causes, that she did mean only such Causes as were absolutely necessary for making the Prince's Right perfectly practicable for governing the Persons of the Ecclesiasticks. We are also here clearly and expressly discharged from all Obligation to believe Archbishop Cramers singular Opinion, and consequently from the belief of that Supremacy which was grounded on that Opinion; without which, I do not see how our Adversaries can ever be able to justify the validity of these Lay-deprivations. And none, that I know of, doubts but that this Article, at least, of our Church does as much concern our times, as those where-in it was first made.

§ XXIV. YET further, that no Authority may be wanting, we have this same Explication in the Injunctions expressly referred to, and ratified in, an Act of Parliament of the same Reign of Queen Elizabeth, still in force and unrepealed. The words are those: Provided also, that the Oath expressed in the said Act made in the first year shall be taken and expounded in such form as is set forth in an Admonition annexed to the Queens Majesty's Injunctions published in the first year of her Majesty's Reign: That is to say, to confess and acknowledge in her Majesty, her Heirs and Successors, none other Authority than that was challenged and lately used by the noble King Henry the VIII. and King Edward the VI. as in the said Admonition more plainly may appear. The word Admonition is taken from the Title of that particular Injunction, (wherein it is styled: an Admonition to simple Men, deceived by Malicious,) that there may be no doubt, but that the forementioned Injunction is intended in this Act. And that the Supremacy here assumed by the Queen, and said to be the same that was challenged and lately used by King Henry the VIII. and King Edward the VI. may not be so understood, as to exclude the benefit of the Interpretation here referred to. Indeed such a rigorous Construction had been perfectly

The same Explication of the Injunctions confirmed also by Act of Parliament.

5 Elizab. 1.

perfectly to overthrow the whole Design of the Act in referring to it. But that very Expression is used in the Injunction it self, from whence the Parliament took it, and therefore, is to be understood in a sense consistent with the rest of the Injunction; and therefore, in a sense consistent with the renunciation of that singular Opinion of Archbishop Cranmer, how much soever it may seem to have been supposed in the words of the Acts, and to have been therefore the private sense of the Legislators themselves. Yet they, as well as the Queen her self, think it was never the Legislators design (even in those Reigns, where it seems indeed to have been their sense) to impose the belief of it on those who should take the Oath. This must necessarily have been their sense when they refer us to the Injunction as expressing that sense of the Supremacy which they allowed and approved. This must make the Explication in the Injunction theirs, and consequently must make the true design of this Act as full to our purpose as the Injunction is self. I need not now add to this Authority, the Explication of the Supremacy by Archbishop Usher, and approved of by King James the I. Much less the Opinions of the generality of our Divines since the beginning of Queen Elizabeth against that Opinion of Archbishop Cranmer, without which (as I have shew'd) it is impossible for our Adversaries to prove the validity of Lay Deprivations. What some of them have reasoned from the Case of Solomon and Abiathar is the less to be regarded, being destitute of Principles by which the like Practice (had it really been such as they think it was) can be proved allowable by the Doctrine of the Gospel, and the Priesthood constituted by it; nay, being contrary to their own Doctrine concerning the Divine Right of Administring the Sacraments. All that can be said, is, that by defending that Right of Solomon, and by applying it to the Case of the Christian Magistrate with regard to the Popish Bishops, who were of another Communion, they may seem to have said things consequently applicable to our present Case of Bishops

Bishops of the same Communion. Yet whether they would have stood by this Consequence, in Case of a Lay Deprivation of Protestant Bishops, our Adversaries themselves cannot undertake; and it is much more probable that many of them would not have stood by it. But on the other side we can also say, that when they denied the Right of Administring the Sacraments to be derived from the Magistrate, they must by consequence, deny the Right of Spiritual Government resulting from the Right of excluding refractory Subjects from the Sacraments, and from the Spiritual Body, and from the Rights annexed to that Body of CHRIST himself; they must I say, by necessary consequence, deny this Spiritual Power to be the Magistrates Right; they must, by the same consequence, deny all Right the Secular Magistrate can pretend to deprive of this Power which was never derived from him. Thus there will be Consequence against Consequence. But there is this difference between the two Consequences, that ours reaches the present Case fully and directly; but it may be questioned whether that of our Adversaries do so. For it may well be questioned, whether, if the Lay Magistrate may deprive Popish Bishops of another Communion, it will thence follow, that he may also deprive Protestant Bishops of the same Communion, as I shall shew hereafter.

¶ XXV. BUT the second Canon of the year 1603. is objected against us. The words are these: Whosoever shall hereafter affirm that the Kings Majesty has not the same Authority in Causes Ecclesiastical, that the Godly Kings had amongst the Jews, and Christian Emperors in the Primitive Church, or impeach in any part his Regal Supremacy in the said Causes restored to the Crown, and by the Laws of this Realm therein established; let him be Excommunicated *ipso facto*, and not restored but only by the Archbishop after his repentance and publick revocation of those his wicked errors. Here all that is affirmed to our Adversaries purpose is only this, that our Kings have the same Authority in Causes Ecclesiastical that the

It is rather
supposed, than
contradicted, by
the second Canon.

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Godly Kings had amongst the Jews. *But what that Authority was, or what the particulars of it were, that our Church does not tell us here. Yet without an enumeration of particulars, none can tell what particulars were intended. But these are rather to be judged of by other passages, where the same Church tells us what that Authority was which she thought the Godly Kings had amongst the Jews. This she her self tells us expressly in the Article. She there tells us, that the only Prerogative which we see to have been given always to all Godly Princes in Holy Scriptures by God himself, is, that they should rule all Estates and Degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the Civil Sword the stubborn and evil doers. If this Right of ruling the Ecclesiasticks be all that is asserted to the Prince by the Supremacy in Spirituals, and that very ruling be only a restraining them with the Civil Sword; these two things are so very exactly agreeable to our Doctrine, that we can, by no means, be concerned in the censures mentioned in the Canon. I might withall mention (what I have already insisted on) the approbation of the Explication in the Injunction in the same Article, by which we are excused from believing that the Lay Magistrate has any Right to deprive Bishops of their Spiritual Power, or from believing any thing from whence that may be solidly inferred. For why should we not interpret the sense of our Church of England in her Canons by her sense in her Articles? Why should we suspect she meant to Excommunicate her Members by her Canons (where no particulars are expressed) for particularly disowning that extent of secular Authority in Spirituals, which in her Articles, where she states the Question, and tells us what she takes to be the Rights of Princes as expressed in the Scriptures, she does not mention as a Right of the Jewish Kings, nor consequently of our own? We deny not our Kings a Right of driving Bishops away by the Civil Sword, if no more be insisted on from the Case*

of

of Solomon and Abiathar. And no more can be pretended to
 in the Right of our Kings by this Explication in the Article.
 That was truth, ancient Right of the Supremacy Power,
 then before it was Christianized. The Emperor Aurelian had
 it, though then a Pagan, and afterwards a Persecutor,
 and practised it with the approbation of the Primitive Church
 against Sacerdotus. Exilement and Imprisonment, should
 confinement in a certain place. What was that was of Abi-
 thar in Anathoth, by granting the Temporal Punishments
 in the Power and Right of him (as he is called) who has the
 Right of making the Civil Sword. But it is very plain,
 by this Interpretation of the Queens Injunction allowed in
 the Article, that our Church did not oblige to the rigour of
 some private opinions, and particularly not to theirs of
 Archbishop Cranmer concerning the dependence of the
 Sacramental Power on the Prince. And therefore though
 there have been those who from that Case of Abiathar have
 inferred the deprivability of the Episcopal Power by the
 Lay Magistrate, there is no reason to believe that ever our
 Church in that Council intended to exclude itself from
 Communion with those who were up to the height of these
 private Opinions. The matter is credible, because I
 have already shown that even in the Times of King Henry
 the VIII. and of King Edward the VI. when these Opinions
 were believed by the Legislators themselves, they with-
 standing had not the confidence to impose them. How much
 less were they likely to do so under King James the I. under
 whose Opinions were generally disbelieved. And how can those
 Fathers who made those Canons could do so with the least
 likelihood, pretend that in those Times of the Primitive
 Church, when the first Christian Emperors governed, this
 Opinion was believed, that all Spiritual Power was derived
 from the Emperors, and was therefore deprivable by him.
 For if they did not, they could not give him the Right of depri-
 ving Bishops of their Spiritual Power for parousies, con-
 sidering that in this very same Canon, when they pretend

The Praeface of
the Supremacy to
our times no ar-
gument of the
imposed sense of
the Legislators
against us.

to give our Kings any other Rights than what were owned
in the first Christian Emperors by the Primitive Christians.
1596 XXXVI. *THESE* are the Reasons our Authors write
about the sense of the Legislators is explained by the Praeface
to *against* us, that Laymen have been permitted the use of
Spiritual Censures. Such was that Case of Cromwell.
Such that of the Lay Civilians still permitted by the Spiritual
Courts, and defended by the Act of Parliament. Such the
late Commission Court, empowered to suspend and deprive
the Bishop of London, and six of his Clergy, *inter alia* Re-
clesiasticks, and a Lay President. But Facts alone do, by
no means, signify the mind of the Legislators, unless they be
approved and agreeable to Principles. No Man, I think, they
pretend to be Rules in Conscience, in the Obedience of the
Subjects. For Princes do many things upon exigencies of
State, which even themselves do not approve, when they are
free from those exigencies. So far they would be, even them-
selves, from imposing them generally on their Subjects Con-
sciences. And the Facts we are speaking of, have been so rare
and discontinued, that even that is sufficient to show that even
the Princes themselves have done them unwillingly, and with
regret, and under the necessity of those very exigencies. I
need not repeat what I have already observed, to this purpose, in
the Reigns of King Henry the VIII. and King Edward the VI.
As for the Commission Court, it is no wonder if King
James the II. took the utmost liberty that Protestant Lawyers
allowed as Lawyers; rather to be advised by the Protestant Law-
yers should help him in such Expedient so hurtful to their own
Communion, and that upon such slender grounds as a few Facts,
which they were pleased (upon so little probability) to allow as
Precedents. The Bishop of London, then, when it was his
own case, did not think the Laymen his competent Judges in
order to his suspension or deprivation from Spirituals. And
those Lawyers who had so much zeal, not as to pervert them,
but keep them equal and unbiased between both extremes, did
think his Plea not only equitable in conscience, but irremediable

errors for inflicting such Censures, & assert consequently the Right of the King, though a Layman assert for being a Fountain and Original of all Spiritual Power; the more they shew the sense of our late Princes, and all that are concerned in the Practise of these Lay Judges in Spirituals now, since these Canons are Authorized, that this Practise as it is distinguished now, cannot argue any design of the Legislators to oblige Persons who take the Oath to mean any such intercharching notion of the Supremacy. But let the most that can be, be made of this Argument from Practise; it is not withstanding certain that, at none but allowed Practise can be fairly supposed to prove the sense of Authority; for that Practise which is most agreeable to allowed Doctrines and Explications, has the fairest Pretensions to be taken for allowed. And such Practise I have shewn to be in favour of ours, rather than our Adversaries Opinions, by shewing that we take no more liberty than what we were allowed to take by Authorized Explications.

The Objection proposed, that our present Protestant Succession seems to depend on the validity of the Deprivation of the last Popish Bishops, which was no other than Laical.

§ XXVII. B. P. T. there will be no need of proving Archbishop Cranmer's Principles to be the Doctrine of our times, if our present succession cannot be maintained without defending them. And that is thought to be our present Case. For an Invalidity in the Original, must affect all those later Orders that are derived from the same faulty Original. For if the first Ordainer could convey no Power to the Person Ordained by him, neither can the second, who has himself received no Power, give any Power to a third, nor that third (for the same reason) to a fourth, nor much less to any remoter degree of distance from the same Original. If therefore the Deprivation of the Popish Bishops which was no other than Laical, was invalid; then their Protestant Successors in the same Sees (yet full if the Deprivation was invalid) were not second Bishops, but none, by the Doctrine of St. Cyprian's Age defended by us, which will affect all the Titles since derived from these Successors. It is thought to affect the Right of all who have succeeded

Forced them in the same Sees, who deriving their Right from the first Successors then, have no better Right than they had from whom they derived all they pretend to have, and therefore can have none, if the others had none to give them. Nor is it thought only to affect them, but all those other Bishops also, who have been since Consecrated into other Sees by those who, being themselves no Bishops, could no more Consecrate Bishops into other Sees, than keep up a Succession in their own. Either therefore we must allow the validity of that first Lay Deprivation, or we cannot (in our Adversaries Opinion) defend any Right in our present deprived Fathers. For if they have any, our Adversaries think it must be founded on the validity of that Lay Deprivation of the Popish Bishops, which could not otherwise legitimate the Title of their first Predecessors of the Reformation. For unless this Act of the State was entirely valid, they think their Title must fall to the ground. And if a Lay Deprivation could vacate Sees for the first Predecessors of our Fathers now concerned; our Adversaries think the like Lay Deprivation may now also vacate our present Fathers Sees so as to legitimate Successors in them. But if we should, upon that supposed Invalidity of the Lay Deprivation of the Popish Bishops, make the first Protestant Bishops in the same Sees incapable of receiving the Episcopal Power; then they think we cannot assert our deprived Fathers ever to have had any Right, even before the Deprivation. And then it will be of no consequence whether this Lay Deprivation be valid or not. We cannot, in that Case, (as they think) pretend any Right our Fathers can have now, though the Lay Deprivation had been as invalid as we conceive it to be.

XXVIII. I need not here insist on the Royal Commissions taken out by Bishop Bonner, and as many as followed his Example, for their Spiritual Power, in the licentious Style of Archbishop Cranmer. Yet these will afford a sufficient reason for the validity of the Lay Deprivations of as many as con-

The Lay Deprivations of those Popish Bishops, who took out Lay Commissions for their Episcopal Power, does not, by any just consequence affect our present Case.

Dr. Yales Collection of the most valuable

cerued themselves in such Commissions, which notwithstanding
 will not be applicable to the Case of our Fathers now. For
 by taking these Commissions from the King, they might in
 Law be supposed to have renounced the better Title they had
 to their Spirituals from Christ and his Apostles. If this
 be true, they could whence forward have no more Power than
 what the Lay Magistrate could confer upon them. But
 therefore they did really receive Power from the Magistrate,
 or they received none. If they did receive Power from him,
 then, no doubt, what Power he could give them, of what he
 was able, by the same Right he deprives them. If they received
 none, all that can be gathered from the Invalidity of the Lay
 Deprivation is only, that it must leave them in the same
 Right in which it found them. If therefore they had no
 Power before the Lay Deprivation, it is no matter whether
 the Lay Deprivation were valid or not. As they lost
 no Power by an Invalid Deprivation, so neither, to be sure,
 could they gain any by it. Having none before, they had
 none to be deprived of, and therefore could have made what
 could oblige the Consciences of Subjects to stand by them
 against even an Invalid Deprivation. But this cannot be
 pretended to be our present Fathers Case. They have not, God
 be praised, betrayed their better Title to their Spirituals,
 by taking out a Commission from a Power which had no
 Right to give them. Nor did they receive their Power in
 Spirituals at first from any Donation of the Civil Magistrate.
 That is an Opinion antiquated now, and not likely to have been
 the sense of those Bishops from whom they received their Con-
 secration. Nor is it likely that our Succession depends on
 any who had, even then, betrayed his Spiritual Rights by
 taking out Lay Commissions. Archbishop Crammer did
 not live to the Consecrations of Queen Elizabeth's time. And
 Bishop Bonner had nothing to do with them. Nor do any who
 were concerned in the Consecration of our first Protestant
 Bishops, appear in the Catalogue of those who took out the
 like Commissions in King Henry the VIII's time; as we
 may learn from the Collections of Dr. Yale, mention'd by

Anthony

Anthony Harmer. The Act of Council in the beginning of King Edward the VI. concerned such especially as were least trusted, as appears by the King's own Paper. These were the Popish Bishops rather than the Protestants. And the Act of Parliament made for it in the later end of the same year may be capable of the like Interpretation. The King had then more liberty in the execution, even of Acts of Parliament than ordinary. Nor is it probable that any of those who persuaded Queen Elizabeth to let alone the Title of Head, and to moderate the Supremacy itself, would take out such Commissions. They seem generally to have been the Popish Bishops who were guilty of it. I mean those of King Henry's Faction. Those therefore might be deprived, and their Sees vacated by Lay Deprivations, and their Protestant Successors instituted to them, without any Consequence that can be drawn thence to the prejudice of our present Fathers, or in favour of our present Lay Deprivations.

§ XXIX. BUT we need not, as I said, insist on this. Yet for driving away, I have already acknowledged the Magistrates Right to external force sufficient. And that was all that was requisite in the Case of the Popish Bishops. They were then notoriously of another Communion different from that of the Protestants. They had burnt the Protestants as Heretics, and condemned their Doctrine as Heretical, and imposed on them forms of reception and reconciliation to their own Communion, as perfectly distinct from the Communion wherein they had been before. So also on the other side, the Protestants behaved themselves as a distinct Communion. They refused their Masses and Confessions, and lived in open defiance of the Popish Bishops and Canons, and this by Principles. Many of them suffered Martyrdom for their avowed disobedience, which they could not have justify'd, if they had been of the same Communion. So clear it was that, even in Queen Mary's days, each Party looked on the other as a different Communion. This being so, it plainly appeared that the Protestants did not own

Vid. Specimen a-
gainst Bishop
Burnet p. 52, 53.

The Popish Bishops were of another Communion. And therefore needed no other Deprivation than that of the Lay Magistrate.

own the Popish Bishops as Bishops of their own Communion. Suppose we therefore that the Lay Deprivation as proceeding from the Lay Power only, was as invalid and null, with regard to Conscience, as our Principles suppose it to be; All that will follow thence will only be, that, with regard to Conscience, they were still as much Bishops as they were before, that is, they were still to be owned for Bishops by them who had owned them formerly, that is, that still they were to be owned for Bishops by them who professed themselves of the Popish Communion. But then as the Lay Deprivation took no Spiritual Right from them which they had before; so neither could it give them any Right in Conscience, which before they had not. As therefore they were not Bishops of the Protestant Communion before the Deprivation, so neither were they after it, and therefore could not challenge any Duty as owing them from Protestants, with regard to Conscience. The Protestants therefore owing them no Duty in Conscience, their Sees were already, before the Deprivation, vacant in Conscience, with respect to the Protestants; who might therefore, without danger of Schism, set up other Bishops of their own Communion in opposition to them, as soon as they could do it, at least as soon as the Magistrate would protect the Bishops substituted into their Sees. All therefore that was requisite for the substitution of Protestant Bishops, was the dispossessing of the Popish Bishops by force; for which the Lay Magistrate who had the Right of forcing was sufficiently furnished. That was exactly the Case of the expulsion of Paulus Samosatenus by the Emperor Aurelian. Samosatenus had before that been deprived of his Spiritual Episcopal Rights by the Synods which had condemned and deposed him. Only, by the favour of Zenobia, who had then the possession of Antioch, he still kept possession of the Episcopal Palace, till the Emperor was prevailed on to interpose his own Secular Authority in dispossessing him of the House which belonged to his Episcopal Office. So it was requisite and very proper for Queen Elizabeth to make use of her

Secular

Secular Power for a Legal Dispossession of the Popish Bishops of the Temporals annexed to their Spiritual Office. This, no doubt, she had a Right to do as a Lay Princess. And the Effect of this Deprivation was, that, whatever they might still pretend, as to Conscience, they should notwithstanding be no more taken for Legal Bishops, who should be intitled to the Honours, and Priviledges, and Revenues annexed by the Secular Laws to the Spiritual Function. And for this the Queen's Deprivation was every way competent. The Effect, was a Deprivation only of their Temporals, things properly belonging to the disposal of the Temporal Prince. The Cause, was also a Temporal Crime properly belonging to her Jurisdiction, their refusing the Duty they owed her for maintaining her Temporal Jurisdiction over Spiritual Persons. Yet this Lay Deprivation was necessary for making the Protestant Bishops Legal Bishops, and to intitle them, as such, to the enjoyment of the Temporalities by the Laws annexed to their Spirituals. A Legal vacancy of the Sees was as necessary to make way for a Legal Successor, as a vacancy in Conscience was for a Successor with regard to Conscience. And the Magistrate has a Right to make a Legal vacancy, though he has none to make one with regard to Conscience, nor to discharge the Spiritual Subjects from that Duty to which they are obliged in Conscience. And this has been always the Practise of the Catholick Church. Bishops of another Communion, notoriously and professedly so, were never thought to fill Sees, or to need Canonical Deprivations. The Catholicks in Constantinople and Antioch never scrupled the substituting a Catholick Successor, whensoever the Catholick Bishop deceased, though there was at the same time another Heretical Bishop, and in Constantinople a Novatian Bishop also, in the same See. Nor did they, nor the Catholick Emperors, concern themselves for the Synodical Deprivation of Heretical or Schismatical Bishops after the Heresie and Schism had formed a difference in Communion. Nor did they think the substituting other Bishops, in such Sees, without a previous Synodical Deposition of the Heretical or Schismatical Incumbent, to be liable to the charge

charge of Schism, as it would have been in Case the Incumbents had been Bishops of the same Communion. For the Popish Bishops therefore, the Lay Deprivation alone was sufficient, there being, on account of their difference of Communion, no Duty owing to them from the Protestant Subjects of those Dioceses, even Antecedently to the Deprivation. But this cannot be pretended to be the Case of our present Deprived Fathers. Our Adversaries themselves have acknowledged them for Bishops of the same Protestant Communion with themselves. If therefore the Lay Deprivation prove Invalid, they cannot excuse themselves from the same Duties which oblige them still, with regard to Conscience.

This Doctrine agreeable exactly to the Sense and Practise of Antiquity.

§ XXX. THIS Answer will abundantly clear the disparity between our present Lay Deprivation, and that of the Popish Bishops in the beginning of the Reformation. And we may the more securely rely on it, because it depends on no private opinions of ours first thought of now, and fitted to our present Case; but proceeds, as the rest of our Reasonings in this affair generally do, on the Sense and Practise of unquestionable Antiquity. A new Schism indeed, or a new Heresy, I confess, was allowed a Synodical Hearing. And there was reason for it; because it might well be supposed not yet sufficiently manifest whether Heresy or Schism was indeed concerned in the Case; or (at least) whether of the two Parties, between whom the Dispute was raised, was guilty of the Charge. But when the Case was once adjudged, and the difference of Communion (which must necessarily follow on the pertinaciousness of the Criminals) was once formed; then the Church never troubled her self to inflict new Censures on every new Instance of the same Case. And there was reason for it. From the time that they constituted a distinct Communion, she reckoned them without, and with such St. Paul himself denies her to have any thing to do. And it is plain that all the Church's Canons are only for maintaining a Correspondence between the several Jurisdictions of the same Communion, that they may not interfere among themselves. This is the reason why one Bishop must be deprived before another can be Canonically introduced, because till the first be deposed,

deposed, the Duty of the Subjects of that Jurisdiction belongs to him, and cannot without Schism be paid to any besides him. But Duty was never thought owing unless in the same Subordination, which cannot be but in the same Body, and in the same Communion. Where therefore there is no Duty in Spirituals owing to any other, there it can be no un-dutifulness to set up a new Spiritual Body with a new Spiritual Jurisdiction, any more than in a Case of a wast. To be sure it can be no Schism where there is no common Body that can be said to be divided by it, and where there is but one only Government to which the Obedience of the Subjects can be pretended in Conscience due. What need therefore can there be of a Spiritual Deprivation where nothing is already due? Indeed what can they deprive him of, who has no Power which can intitle him to the Duty of the Catholick Subjects of his Jurisdiction? What such a Heretical or Schismatical Bishop may pretend over the Consciences of his own Heretical or Schismatical Communicants is not the Catholick Church's Interest or Duty to inter-meddle in. So in the many Sees of Africa, wherein it appears, by the Conference at Carthage, that there were Catholick and Donatist Bishops, the Catholicks took no more notice of the Donatist Incumbents whenever a Predecessor failed, than the Donatists did of the Catholick Bishops of the same Sees. It was Peace and Reunion that was designed in the Proposals that were made for discontinuing the like distinction of Successions for the future. The like was the Case of the many Arian Bishops in the time of Constantius and downwards. Where there were no Bishops but such, the Catholicks acted as if there were no Bishops at all. They expected no sentence of Deprivation against them, yet acted in the mean time what they could not have justified without such a sentence if it had been necessary. Lucifer Calaritanus a Western Bishop had no Jurisdiction at Antioch. Yet finding no other Bishop there but such as he judged Arian, if not in Opinion, yet at least in Communion, as having been Consecrated by those of the Arian Communion, he took upon him to substitute another and to assist at his Consecration, as a Catholick Bishop may do where there is no Bishop at all, and not now concerned how rightly he judged so, who afterwards did

things to extreams in his zeal against this Heresie. However that Example shews how far his Catholick Principles would have warranted him to have proceeded, in Case the Incumbent had been as bad as he supposed him to be.

If the Popish Bishops had had a better Title, yet they could not have disclaimed their Jurisdiction any longer than this.

4.XXXI. TET. In answer to this, I may add further, that suppose the Popish Bishops, on account of the Invalidity of their Lay Deprivations, retained a Right in Conscience over the Protestants themselves; yet it will not thereby follow that the effect of any had been, as that Age, could effect the Titles of our present Bishops. It might indeed have made the first Protestant Bishops Schismatics, if they had been immediately before of the same Communion. But this could last no longer than the Persons lived who were infected by the Infection. So long as they lived the Duty had been owing to those who had been Intruders; and therefore could not have been better than their schismatic Rivals without Schism. After their death, this reason perfectly failed. The Duty to them had been terminated with their Lives. As that claim toward their Successors was alone. Then, there could be no pretence of Injury to their Predecessors upon their Title as Duty was at an end. Nor could there be any danger of Schism, when the Duty was payable only to men who had no Rival or Rivals to it. And in that Case, the Interest of Church and State in general (which is an Argument of Right) has always allowed the Title of the Possessor, when there is none other living who can pretend a better Title. Nor have they ever found upon any Supposition of injustice done with the Laymen whom they had before, when, upon the death of their Predecessors, they who before had an ill Title, were judged to have a good claim afterwards to the Duty and Obedience of the Subjects. The same conduct of all Persons, whether Subjects or others, concern'd in the Election or Investiture, and by consequence in Legitimizing the Title, was thought sufficient to give those a good Title from that time forward who had none before. As therefore Kings, who had at first an ill Title whilst those who had a better were living, have continued their old Possession, (which from that time was not thought doubtfull) without any new Coronation, or Inthronization; so Bishops, who were at first Consecrated in Schism, whilst

whilst those were living who had a better Title, might notwithstanding continue their old Possession, upon their Predecessors death, upon a more unquestionable Right, without a new Consecration. For these Episcopal Orders which had been given them in Schism, but had been given them by true Bishops sufficiently Authorized to give them, though they might be Nullities at first, whilst the Person ordained was incapable of receiving them, that is whilst he was ordained into an Office already full, and whereof there could be but one at one time; might yet in process of time recover their full force, as soon as the incapacity was removed which had invalidated their first collation: That is, as soon as the See which was before full, became vacant, and thereby capable of receiving a Successor. Especially when not only the Incapacity is removed, but the first Right is satisfied by all that are concerned in it; not only by the unanimous reception of the Subjects of the Jurisdiction, now no longer divided, but united among themselves, by the unanimous reception; but also by the Episcopal College ratifying his Acts of Communion and Excommunication. When this is the Case, I know not what a new Instance of Communion can add to such a Bishop beyond what he is possessed of already. His being unanimously received, makes him already a Principle of Unity, when once one part of the Unity of the Body, who is not united to him. And his ratification by the Episcopal College (at least by a majority of them as, in the divided State of Christianity, profess the same Faith, and proceed to a correspondence in Communion) must make his Communion as much Catholick as it can be in our present Circumstances. For this would make the Case such that none who lived within his Jurisdiction could expect to be excluded by Communion by the rest of the Episcopal College without his Communicatory Letters, and thus with his Communicatory Letters they might. The Consequence of these things must be that his Acts of Communion and Excommunication must both the Catholick, at least as far as the Correspondence reaches; and that all that are of his Jurisdiction must be obliged to maintain Communion with him under pain (if they should do otherwise) of being excluded from the Catholick Church. And then who can doubt but that GOD will own them for his Peculiar People, and CHRIST will own them for his Members, whom the Body of their Authorized Representatives do judge to be

be so? For GOD has Authorized them for this purpose, that in things relating to the external Discipline of the visible Body, (it not being usual for him to interpose immediately) their Judgement may be taken for his. For this is the meaning of his ratifying in Heaven what is by them performed on Earth, of his giving them the Power of the Keys, and his binding and loosing in Heaven answerably to their binding and loosing in Earth, that he will admit into his Mystical Body those whom they admit into his visible Body, and exclude from the Mystical Unity those whom they exclude from that which is visible. This being true concerning particular Bishops, may be much more securely relied on in the Case of the Episcopal College. That the Body which is owned by them all, will be owned by Christ for his Mystical Body. Thus it appears that the Communion of such a Bishop owned, without a Rival, by the Episcopal College, must, on that account, be owned for Catholick. He has therefore all already that they could give him by a repeated Consecration. And being also known and owned to have it, and to have it by their consent; their Consecration after this can be no more necessary than it was for St. Peter to lay his hands on Cornelius in order to the giving him the Holy Ghost, when he was otherwise well assured, by external Manifestations, that Cornelius had received the Holy Ghost already. It is indeed only the Episcopal College that gives any particular Bishop the Right of having his censures ratified over all the Catholick Church. And the two or three Bishops requisite for Consecrations can do it no otherwise than as, by the Roman Laws, the two or three represented the whole College, and as the whole College had obliged themselves to ratify what should be transacted by so small a number appointed to represent their absent Brethren also in the Solemnity. This is plainly the Sense of the first and most famous General Council of Nice. They require to the making of every new Bishop the consent of all the Bishops of the Province; and only allow that two or three shall represent them in the Consecration, when they have the consent of the Metropolitan, and when no more can conveniently be present. Thus it appears that the consent of the Episcopal College was that which was principally regarded in conveying the Episcopal Power. I might also have shewn that the Sense of the College was allowed the same force, however it

was signified, whether in Synods, or Separately and Extrajudicially. The greatest part by far of the 300 Bishops mentioned by Athanasius in favour of himself were such as were not at the Sardican Council, but who had given him their suffrages by separate Subscriptions. By all which it appears, that the Invalidity, if any had been, in the Deprivation of the Popish Bishops cannot affect our Succession now, so long after the decease of the injured persons, though we had not had the other exception already insisted on, of our being, even then, different Communions.

§ XXXII. I grant indeed, upon that Supposition, it had been in the Power of the Popish Bishops to have perpetuated the Invalidity of our Succession, if themselves had pleased. That might have been by keeping up a Succession down to our times of their own, which, on that Supposition, had been the better Title. For by the same reason as the Title of their first Persons in their Succession had been better than the Title of the first in our Succession; their whole Succession also, which had been nothing but a propagation of that same first better Title, had been better than ours, which had been also a like continuation of the same Title which originally had been the worse of the two. And therefore, as the confessedly better Title in the first Persons in their Succession had made the first Persons in our Succession Schismatics; by the same reason the better Title of their whole Succession had also made our whole Succession Schismatical. But since they have let fall their Succession, and left our Bishops, without any Rivals, in the sole possession of their respective Jurisdictions; the same Reasoning which, upon supposition that we had been of one Faith and one Communion, would have been favourable to them in the Case now mentioned, will proceed against them as strongly now. Since our Bishops have been left in the sole possession of the Diocesan Jurisdictions, their endeavours to keep up a distinct Communion, and sometimes to set up distinct Bishops in the same Dioceses fairly and Canonically prepossessed by our Bishops, must make the Schism, and the erection of Altar against Altar, imputable to them, by the Principles now mention'd. For theirs must be the Bishops which are Consecrated into full Sees. Theirs therefore, in the Reasoning of St. Cyprian's Age, must be foras; must be alieni; must be not secundi, but nulli. And therefore the Communion which has since owned them must be divided from the true peculiar

If the Popish Bishops then had the better Title; yet their discontinuance of their Succession has made their Title worse now.

These settle-
ments give Right
where no better
Right is injured
by them.

liar People, and from all solid Claim to the Priviledges of that People.

§ XXXIII. BUT to return from whence I digressed, to the Case of our Protestant Bishops, true Antiquity was so far from allowing defects in Originals to invalidate Successions at such a distance as ours is from the beginning of the Reformation; that they thought it not only most prudent, but most just, to silence such Disputes when the Persons injured were deceased, and their Right extinguished with them, having left no Succession behind them that might perpetuate their first Original Right. In this Case they thought the Possession it self a sufficient Title to Right where there was none out of Possession that could pretend a better Right. And that so as to look on it as just before GOD, and as obliging the Consciences of the Subjects who had it in their Power to rebell, not to do so. This seems to be the ground of allowing Prescription by the Law of Nations sufficient to make a Cause just that had not been so otherwise. It is indeed the Interest of Mankind in general (which seems to have been the ground of this Law of Nations) that all Controversies should at length have an end. And it is agreeable to the same Interest that process of time, and such a peaceable Possession as has no Rival that has a better Right, should be allowed as an Expedient for ending Controversies concerning Right, and therefore for determining the Right it self. The Mischief to the Publick in disturbing a present Possession, is more than can be recompensed by a Right that is no more than equal to that which has Possession already. And there is no Succession in the World but, in a Revolution of many Ages, has some unjustifiable turns which must make its present Settlement litigious, if such distant Injuries must be allowed, on equal terms, to do so. This therefore makes it the common Interest to allow Prescription on such terms, for a determination of Right. And there is reason to believe that GOD who, as Governour of the World, is determined by the Publick Interest will judge it so, and punish such as violate it, accordingly. Nor is there any thing in the Nature of Ecclesiastical Government, as it is a Government of external Bodies, and managed by Men of the like infirmities with those who are engaged in the Civil Government, that can secure it against the like Violences of ambitious and unreasonable Men who will judge too partially in their own Case.

But

But it is no way probable that GOD will make any Souls, but their own, Responsible for such consequences as are by others unavoidable. Yet such violences upon the Government may sometimes make a Breach in the due Succession, and affect the direct conveyances of that Authority from GOD, which is requisite for giving a Title to those Spiritual benefits to Souls, which are the great designs of Ecclesiastical Communion. When therefore this falls out to be the Case, there will be reason to believe that GOD, who judges himself as much obliged by the equity of his Covenants, as Men usually think themselves obliged by the letter of theirs, will perform what his Covenant would in Equity oblige him to perform, notwithstanding any failings on Mans side, which, by the common Nature of such a visible Body as he has been pleased to constitute in his Church, are unavoidable to truly diligent and Pious Communicants. For this being a necessity of his own making, in Constituting his Church such a Body, when he might have made it otherwise; his equity is more concerned to provide for the consequences of it, And there is reason to believe that he has done it the same way as he has done in other visible Bodies of the like constitution. As therefore by confirming present settlements where no better claim is in view, GOD, by the Law of Nations, has taken care for the Bodies of Subjects in Secular Societies, that they may not miscarry by ignorance of the duty justly expected from them in the station wherein he has placed them: So there is reason to believe that he has not taken less care for the more valuable Interest of their Souls, that they may not fail of the Favours designed for them, by a necessity of his own contrivance, and by them perfectly unavoidable. And seeing he has warned us of no other, 'tis highly reasonable to presume he has Secured the validity of his conveyances by the Spiritual, the same way he has done in the Secular Government, by ratifying the present Constitution when it is not injurious to a better

Title, notwithstanding any faileurs unknown and unavoidable by the Subjects, on account of the station which he has given them in it.

This is proved
from the Donatist
and Luciferian
Disputes.

Opt. Mileu. cont.
Parmenian. L. 1.

§ XXXIV. ACCORDINGLY it was Observable, that even the two great Factions of the Donatists (whose whole Schism was grounded upon an Extravagant Zeal for Discipline) when they charged each other (as it should seem very truly) with being Traditors; both of them being equally guilty, they agreed to let the Controversy fall, and refer it to GOD, without ingaging in any farther Schism upon it. For the Delivering up their Bibles to be Burnt was (in their opinion at least) such an Act of Communion with the Devil, as had made the Persons who had really been guilty of it, incapable, not only of Episcopall, but also even of Lay-Communion; which incapacity, had it been proved, might have made all their following Episcopall Acts questionable, and justified Schisms in opposition to them, by the same Principles by which both those Factions Defended their common Schism against the Catholick Church, for the pretended Traditions of Cæcilian and Felix. And in this case these early Schismaticks are the more to be regarded, because the Catholicks agreed with them in it, that such Cases being left to GOD, would not (though the Facts had proved true) prejudice the consequent Authority and Communion with GOD, when no injury was done, nor any Schism formed upon it. So far they were of their minds in this particular, that it is the professed Subject of those who wrote against them, that such Personal crimes as these which, if debated between Persons might have given one Person the advantage over another, could not involve Posterity in the same guilt when there was no injury committed by it. So far, I say, they were of their mind in this particular, that they turn their Practice in this Case into an Argument against themselves, as a professed condemnation of those Principles on which themselves proceeded

ceeded in dividing from the Catholick Church. Not much unlike this was the Case that occasioned the Schism of the Luciferians. The reason why they also were so very severe in disowning the Communion of so many Catholick Bishops, was that they thought them guilty, tho' not of the Arian Opinion, yet of the Arian Communion. For the Question with many of those who opposed Athanasius, did only concern Communion. Arius and Euzoius had, under Constantine the Great, made a pretended Recantation of their Heresy, and were thereupon received into Communion by Eusebius of Nicomedia and his Party. This made that Party another Communion, though the Recantation had been sincere, till the Bishop of Alexandria for the time being, had first received them, because they were both of them Originally of the Jurisdiction of Alexandria, and had been excommunicated for their Heresy by their Ordinary the Bishop of Alexandria, who then was Alexander. For the rules of Ecclesiastical Commerce then observed were, that no Bishop could admit a Subject of another Bishop to his Communion, without the Communicatory Letters of his Ordinary to whose Jurisdiction he belonged: If he did, he thereby broke the Rules of Commerce, and thereby cut himself off from the Body of the Episcopal College, who could no longer maintain Communion with him, by giving Communicatory Letters to him, or by receiving any from him. This was, in the Sense of that Age, to cut himself from the Catholick Communion, and from the Catholick Church, because the Communicants of such a Bishop would have Communion refused them over all the Catholick Church. Such a Bishops Letters would not any where else intitle them to Communion, and his Communicants could not be received without them by the common rules of Ecclesiastical Commerce. There was also in this case something peculiar to make the Bishop of Alexandria's Communion Catholick. It had been ratified in the General Council of Nice. This made them who received those Alexandrian Presbyters

to Communion without the consent of Athanasius their Ordinary, guilty of rescinding their own Act, as well as of the rule of the general Ecclesiastical Commerce. However, because they were received upon a pretended Recantation of their Heresy, this involved many who were otherwise Orthodox in their Doctrine, that they also were engaged in the Schism. Especially those, who rather Scrupled the Unscripturalness of the word *οὐσίᾳ* than the sense of the Catholick Church in using it. For *οὐσίᾳ κατὰ φύσιν* was thought Equivalent with the Catholick notion of *οὐσίᾳ*. And when they enumerated the particulars included in the Phrase *κατὰ φύσιν*, they were *κατὰ φύσιν* and *κατὰ φύσιν* or *κατὰ φύσιν*. And accordingly they used the word *οὐσίᾳ*, by which, and the forementioned expressions, they might very well mean a Son by Nature and by Univocal Generation, not only a Factitious Son and by Adoption, which seemed to be the most that was admitted by the first and most truly Heretical Arians. This appears from the several Creeds of those times. And though the true Arians had insidious meanings under those plausible terms, as Athanasius and Hilary shew; yet many of those who, by that uncanonical reception of those dissembling Hereticks, were engaged in the Heretical Communion, had meanings also sufficiently reconcilable with the design of the Church in the Censures of Alexander ratifi'd by the Nicene Council, for condemning the Original Doctrine of those two Hereticks. I say the Original Doctrine, as it had been taught by them when they began their disturbances; for we are to observe, that they did not seem to stand by their first Prevarications. Arius himself was looked on as an Apostate from his own Heresy by Aetius and Eunomius; so capable the Terms he used afterwards were of an Orthodox meaning. *οὐσίᾳ κατὰ φύσιν* allowed by the Catholicks themselves who were more intent on the sense than the word *οὐσίᾳ*, as signifying an Univocal natural Son. So, I am sure, Artemidorus expresses it. Speaking of one who dreams of his being Born, he says: *τὸ ἔχοντες ἡμῶν γυναικα, οὐκ αὖτε ἀντὶ ἡμῶν* "Ομοίᾳ κατὰ φύσιν. For "Ομοίᾳ

Quintus *et* *adrianus* includes *in* in the first and principal place. And this Heathen Author, who lived before those Disputes, is a very competent witness, how that Expression was used commonly then, when there could be no design on the Dispute that was raised afterwards. Lucifer therefore taking all for Arians who had been any way engaged in the Arian Communion, comprehended under that name a great number of those who were notwithstanding very Orthodox in their Doctrine. He took in those who Communicated with Arius and Euzoius, rather as Penitents than as believing rightly. He took in also all those who had been any way engaged in any Act of Communion with such as those were, who had never been, in their own Judgment, otherwise than Orthodox. He took in not only those who joyned with them, not only in condemning Athanasius, but all who had received any Orders from them, (that was the Case of Meletius of Antioch, against whom he set up an Anti-Bishop, though Meletius was even then in Exile for his Orthodoxy) and all who had Communicated in any Sacraments administred by Persons so Ordained. This must indeed have included a great number in the West, where Lucifer was Bishop, where, though they were generally Orthodox, yet, since they had been reconciled to Valens and Ursacius on the belief of *Quintus* (no doubt understood by those *Westerna* Bishops who received it in the Council of Ariminum, in a good sense,) there were very few remaining free from the Contagion of the Arian Communion on some of the terms now mentioned. So Faustinus and Marcellinus plainly suppose the Case to have been. They hardly excuse Hilary himself, hardly any but Lucifer, and (perhaps) Eusebius Vercellensis. Into so narrow a compass they contracted the Catholick Communion, even in the *West*, where notwithstanding the Catholick Doctrine was most universally received. In this regard it was that St. Jerome says that the whole world admired at it self for becoming Arian. This Admiration principally belongs to the Case of those who being Conscious to themselves of their being Orthodox

Adv. Luciferian

thodoxⁿ opinion, might therefore the more justly admire at their being involved unawares in the Contagion of the Arian Communion. In this regard St. Jerom might well call Hilary the Deacon (who then continued the Luciferian Schism) a new Deucalion, in regard of the very small number which had escaped the Arian deluge upon so severe a test as this was, of Communion. Yet it can't be denied that this Contagion of Communion was, in rigour, Sufficient to have made them who had been involved in it judged as members of the Arian Communion, till they had been reconciled as solemnly as they had Apostatized. And whilst they were of another Communion, all their Acts of Authority were justly questionable, as to their Validity in another Body and Communion distinct from their own. For how could one opposite Body convey Privileges to, or act by Jurisdiction upon another, where there was no Common Government acknowledg'd, no Legal Commerce or Subordination, nothing but profess'd and notorious Hostility betwixt them. And this, whatever our modern Latitudinarians may fancy, the Catholick Church has always taken to be the Case of opposite Communions. And the generality of the Bishops being then involved in the Arian Schism, (though in the Heresy they were no otherwise involved than as the Schism did, by Interpretation, make them liable to the charge of the Heresy with which they Communicated;) there was no solemn reconciliation of them who were, by their Office, the Persons to whom reconciliation ought Ordinarily to have been made. It was hard to expect it, when the Bishops, who had escaped the Contagion, were so very small a number in comparison of those who were involved in it. Yet these Practices must have occasioned many real Nullities, if GOD had not been thought obliged in Equity to supply such defects where no injury followed to any Person living. And the Catholick Church, when she condemned the Luciferians for their Schism, on account of these Austerities, and charged the Guilt of the separation made on this account, on them
 who

who made it; plainly supposed that this was not a Cause sufficient to justify a Separation, and therefore that such Nullities in rigour, not in equity, did not in the least affect the next Generation, when there was no better Title which might in justice oblige GOD to ratify it for the good of Government, and to oblige the whole Society to do justice, under pain, if they neglected it, of not having their Acts of Spiritual Authority ratified by him, without whose Ratification they must be unavaylable. 'Tis true, there might be some reason for ratifying such Nullities when the Subjects by joyning with the better Title, might secure their Interest in the Peculiar People. But should GOD do it, when there is no other Body in which the Subjects may secure themselves, it must only make the Subjects desperate. It would tempt them to believe that GOD intended there should no more be a peculiar People. But how can that be reconciled with the new Covenant's, being an Everlasting Covenant? with its Gifts being without Repentance? with Gods promise never to withdraw his mercies, nor to suffer his Truth to fail; notwithstanding whatsoever Provocations his chosen People might be guilty of? How much less can he do it for such faileurs as he knows before to be unavoidable by them? And for this purpose Dr. Hody's Collection is full. And it seems indeed the design of the Author of it, only to shew, that the Church did not unravel Old disputes when the Persons were dead that were concerned in them, so as to make Nullities of all that had been done on the faulty side, after the injury was ended, and when things could not now be remedied. This was the case of St. Chrysostom, who dissuaded his own Friends from such extremities, not whilst he was living, but after his decease. This therefore was the fault of the Joannites, that they made Nullities of all that was done by his Successors for so many years after his death, contrary to the good Council himself had given them. This was the fault of the Arsenians, that they also made Nullities of all that was done by the Josephians for so many Years after the death of Arsenius.

This

This therefore being the occasion of that Collection, will shew us the design of it. The Author had no occasion to concern himself in defending the tolerableness of unjust, much less of invalid deprivations, whilst the Persons were living; but only in defending the tolerableness of preceding Nullities after the injured Titles were extinct, when they could not be recalled or amended. And this will suffice to shew that, though there had been invalidities in the Titles of our first Protestant Bishops on account of the better Titles of the Popish Bishops of the same Jurisdictions; that cannot hurt the Titles of our Protestant Bishops now, since their Succession has so long failed, and ours been un-interrupted, though both had been (as they were not) of the same Communion.

They who took out Lay-Commissions for their Episcopal Power might yet keep their better Title.

§ XXXV. BUT withall, neither is that so certain, as it may seem at the first view, that even they who took out the Lay-Commissions, did thereby lose their better Title to their Spiritual Authority received by their Ecclesiastical Consecrations. So far indeed it might hold, as to cut all such Persons off from the confidence of pleading the invalidity of the Lay-Deprivations, that even such a Deprivation might be justly valid, on their principles who had owned themselves to have no Spiritual Power but what they had received from the Civil Magistrate. Indeed that worthy Person who was pleased to conceal himself under the assumed name of Anthony Harmer, from the Processes against the Protestant Bishops in Queen Mary's time still preserved in the Register of Canterbury, tells us that a Nullity of Title was objected to them by their Deprivers on account of these Lay-Commissions. So the words of that Register are: ob Nullitatem Consecrationis ejus, & defectum tituli sui quem habuit à Rege Edwardo sexto per literas Patentes cum hac clausulâ, dum bene se gesserit. This form was used on Taylor Bishop of Lincoln, Hooper Bishop of Worcester and Gloucester; Barlow Bishop of Hereford, and Harrar Bishop of St Davids. The same Patents also had been

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been taken out by the Archbishop of York, and the Bishops of Chester and Bristol, as the same Author informs us, as it should seem, out of the same Registers. Probably the rest Ib. p. 131. did so too after the Act in King Edwards time. But for those who had received their Orders from their Consecrations in the usual way, antecedently to their Patents, it is justly questionable whether any Act of theirs could alienate the Power they had received from Christ. Much more it is questionable whether they could do it by an indirect Act, and by way only of Interpretation, which is the most that can be made of their Patent. It is not pretended that they did renounce their Spiritual power received from Christ any otherwise than as their owning another Original of that same Spiritual Power in their Patents may be so interpreted. And that Interpretation is only grounded on the inconsistency of these two Originals, which makes it necessary that, if one be owned, the other must be rejected, because they cannot be both possessed at once. But this inconsistency is applicable both ways, and may as well make their Patents null as inconsistent with their better Spiritual Title, as make their Spiritual Title null, as inconsistent with their Patents. And it is not in their Power whether of the two shall be a Nullity unless GOD intended that the Power should be alienable when it was first given them: If it was designed unalienable, all their Acts afterwards to alienate it must have been Nullities, as being inconsistent with the antecedent Right of GOD, as the Vows of Wives and Maids were under the Law, when made against the consent of the Husbands and Parents. And the will of GOD concerning the lastingness of the Spiritual Power was manifest from the will of the Ordainers who, before those Lay-Patents, never intended to confer Orders for any other term than that of Life. If therefore such would take upon them to exercise their Spiritual Power independently on their Patent, though they might contradict the design of those who made them take out their Patents, in doing so; yet, having indeed Authority from

GOD so do so, what they did by that Authority might expect a ratification from GOD, and therefore must have been valid with regard to Conscience. The greater difficulty was that of the others who received their first Authority from their Patents before their Consecrations. These might more plausibly be thought to receive no more Power by their Consecration than what they had already received by their Patent. Especially if they had the same thoughts concerning their own Consecration, as Archbishop Cranmer had, that it gave them no new Power, but was only a Solemnity of Investiture with the same Power which they had already a Right to by their Patent. And, if withall the Bishops who Consecrated them had been also of the same mind, and must therefore have thought themselves obliged to give them no new Power by the Authority themselves had received, not from the Prince, but from Christ. But I have already shewed that, even in those encroaching Reigns, there was no Obligation laid on the Bishops, to profess their Belief of those Impious Opinions. I have shewed that, at the same time that they were supposed in Practice, yet their Belief was Odious and Singular, and in expresse terms generally decried. I have shewed that the most received Opinion even then, was that the Right of Administring the Sacraments was derived from Christ and his Apostles, and by them given only to the Church, and consequently that it was only given by the Acts of Ecclesiastical Consecration. These things therefore being thus believed must also have obliged them further to believe that whatever Power and Authority did follow from this Right of Administring the Sacraments, could not be given by the Lay-Power, but only by them who had continued the derivation of that Right of Administring the Sacraments from Christ and his Apostles. These things therefore being generally believed by the Bishops, might make them generally design the giving and receiving the same Power in their Consecrations which had been given and received by Consecration formerly. What then could hinder even those Bishops which

which were Consecrated then from receiving it? It was consequentially inconsistent you'll say, with those Patents by which they derived a Right of giving Orders, and of inflicting Spiritual Censures from the King. But it was no more so, than those Patents were with those Doctrines, that all Power of that kind was to be derived from Christ and his Apostles, who had given it to the Church, not to the Lay-Magistrate. The consequence whereof must be, that being mutually inconsistent, they ought to be made consistent as far as is possible, in Practice, by Interpretation. That is, that one Duty be performed so far, and so far only, as is consistent with the performance of the other. But in this way of proceeding, it is unavoidable but that one of the two Duties must take place of the other, so as to leave no place for the other any further than is consistent with the Interest of the Principal Duty. And then there can be little doubt, if an Ecclesiastick be Judge (and of such only I am Speaking at present) whether of the two Duties must be judged Principal. If they be considered as Ecclesiasticks, the Church is the Principal Body for which they ought to be concerned. Consider them also as good Christians, and as good Men, and the same Obligation will hold still to prefer the Interests of the Church, because they are indeed the greatest Interests in the Judgment of GOD, and in the Judgment of Right Reason; and the most immediately and firmly obliging that which is indeed the immediate Subject of Obligations, the Conscience. All therefore that Persons so perswaded could promise, and which the Magistrates of that Age acting against Principles might be satisfied with, as sufficiently answering his ends, was so to behave themselves in reference to the Magistrate, so as if indeed they had no Power but what they derived from him. That was to hold their places, from whomsoever they had received them, no longer than He was pleased they should hold them. This Promise they might make as to the Temporalities, that they would be no longer Legal Bishops entitled by the Secular Laws to Temporalities. Tho' this

was a particular Hardship put upon their Order: For as for the Secular Peers the held their Peerage by Law, not barely at the Pleasure of the Prince. However, these conditions importing a loss of Spiritual Authority, the Bishops might with a safe Conscience submit to, when imposed on them by unavoidable force. They might also promise, when they were deprived of their Temporals, to quit their Spirituals also, in order to the qualifying another of the same Communion to succeed them without any imputation of Schism. But a general promise of this kind could not oblige them, when quitting their Rights might betray the Church, and make it depend precariously on the pleasure of the Magistrate. However they, not foreseeing this Case, and not fearing it in the Circumstances then in view, might make this indefinite Promise, and intend really to fulfill it. And whether they did well in doing so, or no, yet they might do it without owning the Right to Spiritual Power to be at the disposal of the Civil Magistrate. For as long as they did not think it his Right, they could not think themselves obliged in Conscience to quit their pretensions to their Spirituals, barely because the Magistrate was pleased to invade them. All the Obligations therefore they could have to do it, must either have been from their Promise, or from the present exigencies of the Case which might, in their Opinion, seem to require it. Yet all this was consistent with an Opinion that whilst they had the Power, they had it from an Authority Superior to that of the Civil Magistrate, which till the Magistrate did deprive them, might make all their Acts valid as done by a Divine Commission. It is very plain withal, that after the Patent was given, yet the Magistrate himself took care to recommend them to Bishops for their Consecration. Why so, unless he believed that if he had done otherwise, his Bishops would never have been taken for valid Bishops, with regard to Conscience? Why so, if he had not therein designed to gratify the Ancient and Received Opinions concerning the Original of Church-Power, which



which would such Consecration, furnished them liable to
 to just Reversion? It was not the Magistrate's duty that
 Consecration gave them the new Power, that could hinder
 the Bishops and the People, who were already informed
 concerning the nature of the Spiritual Society, from judg-
 ing Consecration, according to the meaning that I gave
 which is purely Spiritual, and to bring thoughtfulness
 by the Bishops, not enough to oblige the Consecrating
 Bishops to give, and the Consecrated Bishops to re-
 ceive, the Spiritual Power, which in such Operation
 would not be less returning them to their Consecration.
 And intending to give, and receive it, what could
 hinder their Intentions from an effect Success, when
 the same Solemnities were used by Persons equally Au-
 thorized to give it with those who had been used to give
 it formerly? Nor could the Magistrate expect, that
 to gratify him, they should defend themselves of any
 Privileges or Powers received by their Ancestors, and
 conveyed, as before, from Persons empowered to do so
 under the Solemnities and Rites of Consecration:
 Such a Singular obsequiousness and self-demand was
 He would not I say, either in Conscience or Equity
 pretend to expect, unless he had feared it to express
 Terms, and made a particular Profession, a Profession,
 that might make it inconsistent with the Bishops Ve-
 racity to give, or receive, the said Power, as by
 the same Solemnities and Authority it had been given
 and received, by their Ancestors. Rather to the con-
 trary, the Permission of the same Solemn Rites, and
 the same Authority in administering them as before,
 without any new Security against the effect thereof, is
 an Argument the Prince left it to their Liberty to in-
 tend the giving and receiving the same Spiritual
 Power from CHRIST, as had been usually conveyed
 by the same Ministry. He therefore continued him-
 self

self with the Society goes him to the Parents, that
 moreover they retained the Right of being Billed
 regard to Conscience, yet they should not be Billed in Law
 entitled to Bureties and revenues any longer than he plea-
 sed. This being so, it will follow that what they did before
 Deprivation was valid in Conscience, and in Law also,
 and what they did afterwards, though that might also be
 valid in Conscience, yet it was not so in Law.
 Our first Consecrations were of the former sort, and there-
 fore were not the less valid in Conscience for having the ac-
 cession of a validity in Law. That our first Consecrations
 might arrive at this to our Present Fathers in Conscience
 was deprivable at the pleasure of the Civil Magistrate with
 respect to Conscience. GOD watch the soul of our late
 Bishops and Bishops for altering what touches Conscience
 which are so essential to them being our Fathers and
 our Brethren, and for the Religion and Communion of our
 late Successor Churches in this Kingdom. And may our
 common LORD direct the Cause of his distressed and de-
 serted People.

THE END.